ABDUL HĀDI AL-HAKĪM

A Code of Practice for Muslims in the West



in accordance with the edicts of
His Eminence Grand Ayatullāh As-Sayyid
Ali al-Husaini as-Seestani

Translated by
Sayyid Muhammad Rizvi

Edited by
Najim-al-Khafaji

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point

Islamic laws explained with focus on the problems and issues faced by the Muslims in the West presented in a question and answer format.

Introduction

On the morning of a sunny day in winter of Rajab ۱۴۱۶ A.H. (January ۱۹۹۵), the aircraft took

.off with me on board towards London, the capital of Britain

When the aircraft moved from the east to the west, from the land of sunshine to the capital of fog, I could feel the warmth of the sun from the plane's windows, the warmth .that I bade farewell to as I left my homeland

When the plane leveled off at the centre of the sky and its flight become smooth and calm, as if it were firmly fixed on a central poll, I decided to use the time by reciting some .chapters of the pocket-size holy Qur'an that was with me

This has been my habit from my childhood since I set my eyes on my grandfather in our vast home in Najaf and heard him recite the Qur'an every morning, afternoon, and at night, during his travels and at other times. And I also have retained in my memory the fact that my father used to carry a copy of the Holy Qur'an in his pocket so that he is not .far removed from it at home as well as away from home

I opened the

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Holy Book and started reciting in a lowered voice the verses so as to purify my soul, to perfume my mouth from the dirt of matter and its temptation, and to seek the Almighty .Allah's help in protecting this flying object from the calamities of time

It was midday, the time for noon prayer came close. I got up from my seat, went to the toilet, renewed my wudhu (minor ablution), and then I took out a comb from my pocket and combed my hair after the wudhu. Then I took out a small perfume bottle that I always carry in my pocket so that I may use it, for it is related that it is mustahab to use perfume, in that the Prophet Muhammad (s.a.w.) used to love it, and that a salat with .perfume is equal to seventy salats

After the wudhu, combing, and perfuming, I returned to my seat while I was still reciting .some Qur'anic verses that I had memorized from childhood

Then I started thinking: Where will I say the salat? How will I know the direction of the qiblah? Is it obligatory to say the salat in a standing position or can I do so while I am ?seated

When these thoughts were going through my mind, I reclined on my religious knowledge and remembered that Islamic Jurists say: it is obligatory to say the salat in a standing position as long as I can do so; if I am unable to perform it thus, I should pray

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in a sitting position. The format of prayer would move from one level to a lesser level based on my ability and the given circumstances; but the obligation of salat would not be .waived from a Muslim under any circumstance

So when I reached this conclusion, I looked around the plane to find a place in which I could say the salat in a standing position. My eyes settled on a small area in one part of the plane that was sufficient for saying the salat. I said to myself that the problem of the place has been resolved but now I have to find the direction of the qiblah as long as the plane is flying in one direction. I decided to seek the help of the airline crew to determine .the direction of qiblah

An air steward passed for gathering the tea cups from the tables, I seized the opportunity :and asked him in broken English as follows

?Can I ask you a question

."Yes, go ahead"

?Can you help me in showing me the direction of the qiblah

."I am sorry, I didn't understand your question"

?The direction of qiblah...the direction towards Holy Mecca

"?Are you a Muslim"

.Yes, and I would like to say my noon prayer

."Let me ask in the cockpit and I will be back"

I realized that I should also have asked for something to put on the floor of the aircraft to .pray on it

When he came back with the answer on the qiblah, I requested him to bring me something like

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.a blanket or a newspaper that I could place on the floor of the aircraft

He brought a blanket which I spread on the floor and prayed noon and afternoon salat, two (rak'at) each as qasr, facing the qiblah. Then I recited the tasbih of az-Zahra' (a.s.) by saying "Allahu abkar" ۳۴ times, "al-hamdu lil lah" ۳۳ times, and "subhan Allah" ۳۳ times. After the tasbih, I thanked Allah and returned to my seat while I was in a different and more content state of mind because I was afraid that saying the salat in the plane would .be difficult and I might be drawing unnecessary attention from the other passengers

But my fears were unfounded. It became clear to me that the salat earned me a special respect and added esteem for me in the eyes of the non-Muslims, including the steward, .who were on board the plane

My thoughts were interrupted by the announcement that food will be served soon. The airhostesses started asking the passengers about their preference from the menu. One of them asked me if I would prefer fish or chicken. I asked for the fish not because fish is preferable to me than chicken but because I was not allowed to eat that chicken since I was not sure that it has been slaughtered in accordance with Islamic laws. This is a .problem that I have faced many times in foreign countries

Since I was born and brought up in a Muslim country, I have no lingering doubts

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regarding chicken, or fish bought in a Muslim market. But in a Western country, the situation is completely different. And that is because I am not allowed to eat any meat until I am sure that it was slaughtered according to the laws of Islam. This normally .creates hardship

The meal was served to us and the tray that was placed in front of me contained the following: fish fried in sunflower oil garnished with fried potatoes, a little bit of rice, salad, a couple of green olives, grapes, black fig, dessert, water in a small container, and small packets of salt, sugar, pepper, two pieces of bread, a fork, two spoons, a knife, and a .napkin. I was really hungry

I thanked Allah first, then picked the fork and knife, and cut the fish into small pieces that could be eaten easily. Then, I stopped and the following thought passed through my mind: It is true that if the fish is of the type that has scales, and that it has come out of the water alive or died after being caught in the net, then it is permissible for me to eat it irrespective of the fact that the fisherman is a Muslim or a non-Muslim, and no matter whether the name of Allah was invoked on it or not. This is correct. But the problem may be in the oil in which the fish was fried. Was that oil ritually pure (tahir). And was the cook ?a Muslim

These were

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the disturbing thoughts passing through my mind at that moment. So I stopped eating that fried piece of the fish, despite the fact that I was hungry! I put down the fork on the side of the plate and tried to recall the rules of these issues that I had read about in the .Manual of Islamic Laws of my marja' when I was getting ready for the journey

First I asked myself about the sunflower oil: is it ritually pure? I immediately responded positively because the religious law says, "everything is pure for you until you come to know about its impurity." And since I did not know about the impurity of the sunflower oil, .I assumed it was pure

Now since the oil used in frying the fish was pure, the whole fish is pure, and thus I am .allowed to eat it

As for the cook who prepared the fish, was he a Muslim or from the Ahlul Kitab (so he would be considered as tahir) or was he a non-Muslim from the non-Ahlul Kitab? This question is not important as long as I do not know that the person who fried it has touched it with his hand. And again the general rule of the shari'a, "everything is pure for you until you come to know that it is impure", gave me a clear decision: the fish is pure, .and I am allowed to eat it

When I reached this conclusion, I breathed a sighed of relief. Then I picked

up the fork and ate the fish. I looked at the fries for the same reasons and concluded that .they were pure and ate them

I did the same with the bread, salad, fruit and the dessert. I ate them all since they were pure. Then I drank the water and also the tea because they are also pure. This is what the .religious laws tell me

The plane was flying at ۳۰,۰۰۰ feet from sea level, and we still had two and a half hours .before we reach London Heathrow International airport

Inside the plane, some passengers were busy reading the morning papers, while others were in deep sleep. I stretched my arm and picked up a paper and started browsing .through it

My memory went back to the question that kept lingering in my mind for the last few days: "How will I preserve my religious identity from being destroyed in the foreign "?country

This has worried me for a long time since I thought of travelling to Europe, and it intensified the day I made that decision; at times I think about it and at other times it .comes without thinking, leaving me only when I go to sleep at night

I decided to meet a friend of mine who had been to London. My friend pointed out certain issues to me, and also took me to the bookstore and showed me a book that contained .various issues that gave me a general idea of what I should do

Both, the friend and the

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book, pointed out that I should place great importance on the following issue: "The negative elements of migration are not limited to the fact that it would not be possible to fulfill the Islamic laws by the immigrants or that they will not study the religion. The reality is even worse than that in the sense that migration would significantly affect the outlook of the Muslim, his habits, traditions, and also the state of his intellectual, moral and social ."aspects of life

The author of that book continues, "It is necessary for the Muslim who is compelled to migrate to a non-Muslim country to create by himself the religious climate that does not exist in those countries. Of course, he will not be able to create the general Islamic environment but he surely can bring about that atmosphere in a certain measure so that (he may be able to arm himself with the religious spirit that is suitable for him.(۱

Creating a suitable Islamic atmosphere is to some extent like inoculating against a" disease from whose clutches one cannot escape-so he tries to deal with its danger by .building a safety net around himself

Although we do not claim that this task is easy by any means, at the same time we" cannot underestimate the great danger faced by a Muslim in his commitment to the religion which is the main foundation of his identity. So it is important to safeguard it even at the cost of loss in other aspects of

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.Dalilu 'l-Muslim fi Biladi 'l-Ghurba, p. ۲۷ -۱

life. Just as we emphasize the significance of these pitfalls, we must also emphasize .safeguarding and protecting the Muslims from falling into them

A Muslim who struggles in those countries to secure his worldly future -in education or" finance or other aspects- he is not supposed to lose his future in the Hereafter for the sake of this world. Just as a merchant is not allowed to lose his honour or life for the sake of material wealth, irrespective of its quantity, because it is worthless compared to his life and honour. Similarly, the sick person patiently bears the bitterness of medicine or the .pain inflicted by the scalpel so that the disease may not spread and lead to death

So it is obligatory on a Muslim who resides in alien societies to protect himself against" their adverse effects and dangers; and he must create an appropriate religious environment for himself that will compensate the loss of the environment that he had in his own country."(۱)۲

In this way, he, his wife and children, and even his brethren will be following the words of :the Almighty

O you who believe! Save yourselves and your families from a fire whose fuel is men and" stones; over it are angels stern and strong, they do not disobey Allah in what He (commands them, and do as they are commanded." (۶۶:۶

They would also be acting in accordance with the statement of the Most Praised Lord

And the believing men and the believing women, they are helpers of one"

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.Ibid, p. ۳۶-۳۷ -۱

(another: they enjoin the good and forbid the evil." (٩:٧١

And also in accordance with what the Prophet (s.a.w.) said, "All of you are 'shepherds' and '."all of you are answerable in regard to your 'flock

Thus would also be implementing the requirement of enjoining good and forbidding evil. :The spiritual immunization mentioned above can be achieved by the following

By committing to recitation of some chapters or noble verses of the Holy Qur'an on a .١ daily basis or listening to its recitation with humility, reflection and contemplation because in them are

Clear proofs from your Lord, a guidance and a mercy for a people who believe; and" when the Qur'an is recited, then listen to it and remain silent so that mercy may be shown .(to you." (٧:٢٠٣-٢٠٤

In the words of Imam 'Ali (a.s.), "No one will sit besides the Qur'an but that when he .٢ rises he will achieve an increase or a diminution: an increase in his guidance or elimination of his (spiritual) blindness. You should also know that no one will need any thing after (guidance from) the Qur'an and no one will be free from want before (guidance from) the .Qur'an

Therefore, seek it as cure for your ailments and seek its assistance in your distresses. It contains a cure for the biggest diseases, namely unbelief, hypocrisy, revolt and misguidance. Pray to Allah through it and turn to Allah with its love. Do not ask the people through it. There is nothing like it through which the people

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could turn to Allah, the Sublime. Know that it is an interceder and its intercession will be .accepted

For whoever the Qur'an intercedes on the Day of Judgment, its intercession for him would be accepted..."(۱) It has also been said, "Whosoever recites the Qur'an at a tender age, the Qur'an will intertwine with his flesh and blood, and the Almighty Allah shall place him among the respected and virtuous messengers; and the Qur'an will be his protector on the Day of Judgment."(۲)۴

There are certain copies of the Holy Qur'an which contain brief commentaries that can be .easily carried, and it will greatly benefit the Muslims in foreign countries

Commitment to say the daily obligatory prayers on time, rather, even the . ۳ recommended ones as much as possible.(۳) It has been narrated that the Prophet Muhammad (s.a.w.) said to 'Abdullah bin Rawaha in an advice to him when the latter was leaving for the Battle of Mu'ta: "You are going to the city in which there are few ."prostrations; therefore increase the prostrations

Zayd ash-Shahham narrates from Imam as-Sadiq (a.s.): "The most beloved of deeds with the Almighty Allah is salat; and that is the last advice of the prophets."(۴)۶

:Imam 'Ali has also advised us concerning the salat

Pledge yourself with prayer as much as possible and seek nearness (of Allah) through it," .[because it is upon the believers a timed ordinance [۴:۱۰۳

Have you not heard the reply of the people of Hell when they were asked, 'What has '?brought you into Hell

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.[Nahju 'l-Balagha (ed. Subhi Salih) p. ۲۵۲ [sermon ۱۷۶ -۱
.Al-Kulayni, al-Usûl mina 'l-Kafi, vol. ۲, p. ۶۰۳ -۲
.See al-Hurr al-'Amili, Tafsilu Wasa'ili 'sh-Shi'a, vol. ۴, p. ۱۰۵ -۳
.Ibid, vol. ۴, p. ۳۸ -۴

[They shall say, 'We were not of those who offered the regular prayers.' [٧۴:۴٢-۴٣

Certainly, prayer sheds sins like the dropping of leaves (of trees), and removes them as ropes are removed from the necks of cattle. The Messenger of Allah (peace and blessing of Allah be with him and his progeny) likened it to a hot bath situated at the door of a person who bathes in it five times a day. Will then any dirt remain on him?"(١)

۴. Reciting whatever is possible of supplication (du'a), whispered prayers (munajat) and remembrance of Allah, since they remind us of the sins, warn us to refrain from evil deeds, and encourage us to do good deeds.

For example, the supplications in As-Sahifah as-Sajjadiyya of Imam Zaynu 'l-'Abideen (a.s.), du'a of Kumayl bin Ziyad, and the du'as of the month of Ramadhan like the du'a of Abu Hamzah Ath-Thumali and the du'a of dawn, and the du'as of the weekdays, etc.(٢)This purification is needed for every Muslim, especially if he is in a non-Muslim country.

۵. Frequently visiting the Islamic centers and organizations that observe the Eids, religious occasions, the birth anniversaries and death commemorations, as well as other religious programs like lectures and counselling - in the month of Ramadhan or Muharram or Safar or during other months, days, and times.

In cities that do not yet have any dedicated center and organization, Muslims should observe the religious occasions in their homes. [Actually this is how early immigrants started to gather, and gradually formed a

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١- sermon ١٩٩] Nahju 'l-Balagha (ed. Subhi Salih) p. ٣١٧].

٢- Translator's Note: English translations of all these du'as are easily available in most centres in Europe and North America.

[.communities that later on rented or purchased a centre for their religious programs

6. Attending and participating in the Islamic seminars and conferences that are held in foreign lands.

7. Reading Islamic books, magazines, and newspapers for they contain both useful as well as entertaining materials.

8. Listening to the various cassettes that contain Islamic talks that have been painstakingly prepared by the respected scholars and great speakers. In them you will find advice and counsel [for betterment of your faith].

9. Keeping away from the centers of entertainment and immorality including the viewing of immoral television programs and special channels that present movies which are not compatible with our beliefs, our religion, our values, our customs, our traditions, and our Islamic intellectual and civil heritage.

10. Establishing friendships with those who are good people for the sake of Allah: you guide them and they guide you, you strengthen them and they strengthen you so that you may spend your free time with them in a useful manner.

In this way, you will stay away from those who are immoral in their behaviour, and also protect yourself from loneliness and its negative consequences. Imam as-Sadiq (a.s.) narrates through his forefathers that the Prophet (a.s.) said, "No Muslim person has gained a benefit after Islam [itself] better than a brother from whom he derives benefit for the sake of Allah."(1)

Maysarah narrates that Imam al-Baqir (a.s.) said to him, "Do you have your own gatherings, talking and saying to one another whatever you like [i.e., without fear of

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1- Wasa'ilu 'sh-Shi'a, vol. ۱۲, p. ۲۳۳.

government spies]?" I said, "Yes, by Allah, we indeed get together, and talk and say whatever we want." He said, "I surely love your fragrance and your souls; you all are on the religion of Allah and that of His angels. So help one another by piety and hardwork."(۱)

۱۱. A Muslim should evaluate his deeds on a daily or weekly basis; if there is good in it, then thank Allah and add onto it; and if there is evil in it, then ask for forgiveness, repent, and make a commitment of not repeating it. Our noble Prophet Muhammad (s.a.w.) advised Abu Dharr saying, "O Abu Dharr, evaluate yourself before you will be evaluated, this will be easier for your appraisal tomorrow [on the Day of Judgment]; weigh yourself before you will be weighed; prepare for the great Judgement, the day when you will be judged. No secret is hidden from Allah...

۱۲. O Abu Dharr, no person can be counted among the pious ones unless he be more critical of himself than a business partner can evaluate his partner so that he may know the source of his drink and dress: has it been secured from a permissible or from a forbidden [source]."(۲) Imam al-Kadhim (a.s.) said, "A person who does not evaluate himself every day is not one of us. If he has done good, he should ask Allah to increase that; and if he has done an evil act, then he should ask Allah`s forgiveness and repent for it."

۱- Al-Kulayni, al-Usûl mina 'l-Kafi, vol. ۲, p. ۱۸۷; and also see the chapters on "visiting the brethren" (vol. ۲, p. ۱۷۵) and "remembering the brethren" (vol. ۲, p. ۱۸۶).

۲- At-Tusi, Amali, vol. ۲, section ۱۹.

(۱)

Attaching importance to the Arabic language, the language of the Holy Qur'an and the .۱۳ language of numerous sources of Islamic laws and ethics. For those immigrants who come from Arabic speaking countries, Arabic is also the language of their ancestors: so they should encourage their children to speak it. Since the students in these countries learn more than one foreign language, it is better that they learn the language of the Qur'an so that they do not loose touch with their religion, heritage, values, history and .civilization

Attaching due importance to the up-and-coming generation by bringing them -both .۱۴ males as well as females- up on the love for the Book of Allah and its recitation by way of competitions and other encouraging activities. They should be trained to perform the devotional prayers and acquire good morals like truthfulness, courage, fulfillment of .promise, and love for others

One should accompany them to the Islamic centers and organizations so that they get used to visiting those places. They should be made aware of the enemies of Islam, and the concept of Islamic brotherhood should be strengthened in them. They should be encouraged to participate in the observance of various Islamic occasions and celebrations. In short, everything should be done to help them in better understanding of Islam and adopting the best manner of conduct according to its values and principles in .this life

The thought of how I should behave in the foreign country and preserve my individuality without being absorbed into another

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.An-Naraqi, Jami'u 's-Sa'adat, vol. ۳, p. ۹۴ -۱

culture, and also without isolating myself and adopting the "seashell" attitude, kept haunting me. Then I asked myself: How will the others (among whom I shall soon be ?living) judge me

My hometown [Najaf] which is filled with pilgrims and visitors the year round had conditioned me to judge the behaviour of a society by the behaviour of its members, or to judge a religion by the actions of its followers. If a visitor from a city would demonstrate good attitude, I would say that the inhabitants of that city are good people; and if a visitor demonstrates negative attitude, I would say that the inhabitant of that city are not good .people, etc

So, it is natural that the people of the non-Muslim country where I shall reside will judge Islam through my behaviour as a Muslim and then generalize their judgement on all Muslims. So, if I am truthful in my words and deeds, fulfill the promise, honour the trust, abide by the general laws, help the needy, deal with my neighbours kindly, and follow the Prophet Muhammad (s.a.w.) example and respect his teachings, in that he has emphasized that "the religion [of Islam] is positive interaction [with people]" - if I do all this, then a non-Muslim who interacts with me will say: "Islam is the religion of the higher ."moral ground

But if I lie, not fulfill my promise, be abrasive with others, disobey the law of the land, ,harass my neighbour, cheat in my dealings, violate the trust

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etc, then those who deal with me will say: "Islam is a religion that does not teach its followers high morals."

The pilot interrupted my thoughts and announced that we are flying over Germany. I opened my briefcase and took out a book that I had acquired to help me [in the foreign land]. Five ahadith from Imam as-Sadiq (a.s.) in that book attracted my attention.

In the first one, addressing his followers, he said, "Be a source of pride for us, do not be disgrace to us. Make people love us and do not make them hate us [because of your behaviour]."

In the second hadith, he quotes his father, Imam al-Baqir (a.s.), "Be among those who are foremost in doing good; be thornless leaves. Those who have passed before you were as the example of thornless leaves, and I fear that you would become thorns with no leaves. Be those who call people to their Lord, bring them into the fold of Islam and do not make them abandon it. Those who were before you were recruiting others into Islam and were not making them abandon it."

In the third hadith, after conveying his greeting to the faithful among his followers, Imam as-Sadiq (a.s.) says, "I enjoin you to fear Almighty Allah, be pious, work hard for the sake of Allah, be truthful in speech, trustworthy in handling trusts, prolong the prostration (sajda) and be good neighbours. This is what Muhammad (s.a.w.) came with. Return things trusted to your custody, whether they

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belong to a pious person or a sinner because the Messenger of Allah (s.a.w.) used to enjoin the returning of even [small items like] a thread and a needle. Maintain relationship .with your kinfolk, participate in their funerals, visit their sick, and fulfill their rights

If a person from among you is pious, truthful in speech, honours the trust, behaves well" with the people, it will then be said that 'This person is a Ja'fari,' that pleases me and delights my heart because it would be said, 'This is the character of Ja'far.' "But if a person is otherwise, then his bad behaviour and disgrace is attributed to me and it is said, ."This is the character of Ja'far

By Allah, my father (a.s.) has narrated that if there is a Shi'a of 'Ali in a tribe, then he" should be its pride: he should be the most trustworthy, the most deligent in upholding the rights, the most truthful in speech, and should be one to whom people entrust their wills and trusts. When people inquire about him from his tribe, they would say, 'Who can be like ."'him? He is the most trustworthy, and the most truthful of us in speech

In the fourth hadith, he says, "I call upon you to say the prayer in the mosques, to have good neighbourly attitude towards the people, to be willing to testify [for the sake of truth], and to participate in funerals - because you need the people; no one's life is independent

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."of the people; people need one another

In the fifth hadith, the Imam (a.s.) answers the question of Mu'awiya bin Wahab who had asked, "What should be our attitude between ourselves and our fellow tribesmen and acquaintances from the people who are not of our persuation (madhhab)?" He said, "You should look towards your Imams whom you follow and do what they used to do. By Allah, they used to visit their sick, participate in their funerals, testify for and against them, and (honour the trusts."(١

Once I finished reading these ahadith, a sense of relief overwhelmed me since they chartered for me the way I should act and outlined for me the code of conduct. At that moment, I made a resolution to compile in my notebook the most important problems that I shall face in the non-Muslim country and seek help from the books of jurisprudence that were in my briefcase. If I come across new problems that I cannot solve in the sources that are with me, then I shall write to the mujtahid so that he can answer my questions. With this I shall have solved my problems -related to ethics and jurisprudence- .as well as those of the other immigrants

This is how I started noting down my religious problems, one by one, and sought the expert opinion of the mujtahid on issues to which I have no answers in his Manual of .Islamic Laws. Gradually this book came to existence

This book is divided into two parts: Part

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Al-Hurr al-'Amili, Wasa'ilu 'sh-Shi'a, vol. ١٢, p. ۶ff. Also see al-Kulayni, al-Usûl mina 'l- -١ .Kafi, vol. ٢, p. ۶٣۶

One deals with Acts of Worship; and Part Two with Laws on the Mundane Aspects of Life. .It also has three appendices

Part One on the Acts of Worship consists of seven chapters that I think are more important to the immigrant Muslim than others. These chapters are as follows: Migration to non-Muslim Countries; Taqlid: Following a Jurist; Ritual Purity and Impurity; Salat: the Ritual Prayer; Sawm: Fasting; Hajj: the Pilgrimage to Mecca; and Death Related Issues. Each of these chapters begins with an introduction on the topic, followed by some rules that are relevant in non-Muslim countries, and ends with the most important question-.answer [from the mujtahid] on that subject

Part Two on Laws on the Mundane Aspects of Life consists of eleven chapters as follows: Eating and Drinking; Dress and Clothing; Dealing with Laws in Non-Muslim Countries; Work and Investment; Interaction in Social Life; Marriage; Women's Issues; Youths' Issues; Music, Singing and Dancing; and Miscellaneous. Again each of these chapters begins with an introduction on the topic, followed by some rules that are relevant in non-.Muslim countries, and ends with the most important question-answer on that subject

The book also contains three appendices. Appendix I contains a sample of questions sent to the Ayatullah as-Sistani and his answers to them. Appendix II contains a list of main ingredients that are used in food items and which are forbidden to the Muslims. This is followed by Appendix III which has the names and pictures of the fish that have scales and are

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permissible for consumption. At the end of the book, I have listed the references and a .detailed table of contents

Editor's Note

This book is the second in its league. It is yet another contribution of the author, as-Sayyid Abdul Hadi al-Hakim, after the publication of the translation of his book alfatawal muyessarah - Jurisprudence Made Easy, to the effort of making the body of fiqh .(jurisprudence) easier for the layman to come to grips with

Translating such work is a challenging task. Yet the translator, as-Sayyid Mohammad Rizvi, has done a great job. However, where I saw the reader's interest is better served, I have made some changes. The title of the book now reads, A Code of Practice for Muslims in the West. To avoid repetition, I decided to collate the translator's footnotes, dealing with clarifying the meanings of the Arabic terms, as well as some other "Frequently Used ".Terms" under one title, i.e. "Glossary

I must stress, though, that throughout the process of making these changes, and others for that matter, I was in close consultation with both the author and the publishers, Imam .Ali Foundation, UK, London

I pray to Allah, the Exalted to forgive any inadvertent mistake or error of judgment I may have made in the course of editing the book. I also implore Him to make this work of mine .a step towards attaining His approval, that He accepts it favourably and make it of use

Najim al-Khafaji, BA

Translator's Preface

In the name of Allah, the Beneficent, the

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.Merciful

.May Allah send His blessings upon Muhammad and his progeny

Writing the manuals of Islamic laws for use by Muslims is an evolutionary process, reflecting the change in lifestyles and the relevance (or the lack of it) of certain problems and issues that vary from time to time and place to place. The spirit and the purpose .remain constant but the style and the format change

In the present century we first saw the widely used Tawdihu 'l-Masa'il in Persian (also known as risala-e 'amaliyya), and then came the Minhaju 's-Salihiyn in Arabic by the late Ayatullah al-Hakim (which was later expanded by the late Ayatullah al-Khû'i and even further improved by Ayatullah as-Sistani). In mid seventies, the late Ayatullah Sayyid Muhammad Baqir as-Sadr brought about a completely new style in his al-Fatawa al-.Wadiha

The present book, al-Fiqh lil Mughtaribin by Hujjatul Islam Sayyid 'Abdul Hadi al-Hakim, is a further development in the same line of change and continuity. Sayyid 'Abdul Hadi's distinction is that he has focused on the problems and issues faced by the Muslims in the West, formulated those questions, and compiled their answers without going into details that can be easily obtained from other commonly used sources of Islamic laws. And so it was indeed a great pleasure when I was asked to undertake the translation of this book .into English

A Note on Translation: I have been quite liberal while translating the author's Introduction but had to strictly abide by the wording and expressions as they appeared in the

original in the latter and the major part of the book. This was done to ensure the accuracy in conveying the views of the Grand Ayatullah as-Sistani.

This translation is based on the first Arabic edition of ١٩٩٨ but with quite a few changes and amendments done by the Fatwa Committee of the Office of Ayatullah as-Sistani in Qum. And so those who would compare this translation with the first Arabic edition should keep this fact in mind. The changes were of various length and nature: in some instances, words, phrases and sentences were changed or added to further explain the problem;(١) in some cases, the rulings have changed;(٢) and in three cases, the items were deleted completely.(٣)

Moreover, in some instances I had asked for further elaboration that was kindly provided by the Committee.(۴) I have also taken the liberty of changing the placement of certain rulings so that similar issues are found in the same section. For the same reason, in Part Two, I have switched the sequence of two chapters: Chapter ٨ ("Youths' Issues") and Chapter ٩ ("Women's Issues) since women's issues are much closer to issues of Chapter ٧ on "Marriage". Interestingly this is the order that the author himself has listed pages ٣١ and ١٣۶ of the Arabic but has somehow changed it in the final printing. I have written some footnotes to clarify the meaning and have also added a short list of "Frequently Used Terms" at the beginning of each chapter.

I pray to Almighty Allah

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١- See for example items ١۶m ٢٠, ٢٣, ٢٩-٣٠ on p. ٣٧-٣٩; item ١١, p. ۵۶; item ٩۶, p. ١٠٠; item ١٧٨, p. ١۴٩; item ٣٠١, p. ٢٠٣; item ٣٨٣, p. ٢۵١. All page numbers in this note refer to the first Arabic edition.

٢- See, for example, item ١١۴ on p. ١١٠ on sighting of the new moon.

٣- See item ٢١٨ (p. ١۶٨), item ٢٨۵ (p. ١٩١), and item ٢۶٩ (p. ١٨٧) in the first edition.

۴- See item ١١۵ in this translation on the criterion of following the moon sighted in a city west of your own city.

to accept this work as a humble attempt in simplifying His laws for the Muslims in non-Muslim societies, and may He reward the author and grant long life to the Ayatullah as-Sistani on whose expert opinion this book is based.

Toronto

Sayyid Muhammad Rizvi

Shawwal ۱۴۱۹ / February ۱۹۹۹

Author's Preface

In the name of Allah, the Beneficent, the Merciful.

It is a pleasure for me to present to the respected readers my book, al-Fiqh lil Mughtaribin, according to the views: of his eminence Grand Ayatullah as-Sayyid 'Ali al-Hussaini as-Seestani (May Allah prolong his blessed presence among us).

This book is the first attempt at writing Islamic laws For Muslims who have settled in non-Muslim Countries. Muslims who were compelled to leave their countries and the places where they grew up, and had to migrate to non-Muslim countries in which they now live under different laws and systems, dissimilar values and rules, and unfamiliar customs and habits. The modes of conduct and manners of the host societies are greatly at variance with what the guests were used to; there is a wide gulf between their own upbringing and the values of the host countries. Consequently, new problems have emerged and a number of questions arose that called for answers - answers that would clarify the ambiguous, enlighten the obscure, guide the stray, and brighten the darkness.

From this came the need for writing a book that would deal with the various practical problems of immigrant Muslims, and provide answers and present solutions for them.

It was against this

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background that al-Fiqh lil Mughtaribin was written with a detailed introduction, followed by two parts with each part branching out into various chapters which contain new questions, issues that had not been charted before, and problems that have not been discussed in most Manuals of Islamic Laws and other commonly used books of Islamic Jurisprudence. Hopefully these parts and chapters will act as a stimulus for further questions that the learned reader may raise; and I will be greatly pleased to receive those queries so that they may be included with their answers in future editions, insha .Allah

Islamic Laws for Muslims in non-Muslim Countries is the third attempt following two other books "al-Fatawa al-Muyassara" (Jurisprudence Made Easy) and "al-Muntakhab mina 'l-Masa'ili 'l-Muntakhabah" (Current Legal Issues) through which I hope to have contributed to the process of making Islamic laws accessible, and endear them, to lay people. If I have succeeded in my aim, all praise is due to Allah; and if I have not, it is sufficient that I have tried "and my success is not but from Allah, and in Him I place my trust and to Him I ."turn

I had the privilege of reading some chapters of this book to my respected father (may Allah prolong his life) during his stay with me in London when he came for treatment. His .guidance has indeed enriched this book

I pray to the Almighty Allah that He may accept this work with a good acceptance I am grateful to those who

helped me in completing this book. I would like to especially thank His Eminence the Grand Ayatullah as-Sayyid 'Ali al-Hussaini as-Seestani (may Allah prolong his blessed presence) who took upon himself the trouble to provide the answers to the questions. I am also grateful to the offices of the Grand Ayatullah in Najaf [Iraq], Qum [Iran], and London for helping me in ensuring the accuracy of what I have written and in ensuring .that it is in accordance with the views of the Ayatullah

Our Lord! Do not punish us if we forget or make a mistake. Our Lord! Do not lay on us a" burden as Thou did lay on those before us. Our Lord! Do not impose upon us that which we have not the strength to bear; and pardon us and grant us protection and have mercy ."on us. Thou are our Master, so help us against the unbelieving people

Abdul Hadi as-Sayyid Muhammad Taqi al-Hakim'

Ramadhan ۱۴۱۸ / ۲۶ January ۱۹۹۸ ۲۷

Migration to Non-Muslim Countries

Introduction

A Muslim who is born and raised in a Muslim country where he consciously and subconsciously absorbs the laws, values and teachings of Islam, grows up into a young person who is aware of the customs of his religion, following its path and is led by its guidance. On the other hand, a Muslim who is born, and brought up in a non-Muslim country demonstrates the influence of that environment very clearly in his thoughts, ideas, behaviour, values, and etiquette unless his Lord helps him. This

un-Islamic influence is seen more in the second generation of those who have migrated .to non-Muslim countries

This was the reason for Islam's view on at-ta'arrub ba'd al-hijra as reflected in many ahadith. At-ta'arrub ba'd al-hijra literally means "becoming shorn of one's percepts of faith after migrating [to city]," and technically, it means leaving an environment where you could follow Islam and moving to a place where you maybe prone to not following Islam. Such a migration is counted as one of the major sins. Abu Basir says that he heard Imam as-Sadiq (a.s.) saying: "The major sins are seven: killing a person intentionally; associating someone or something with the Almighty Allah (shirk); wrongfully accusing a married woman of adultery; Knowingly dealing in usury; running away from the battle-field in jihad; at-ta'arrub ba'd al-hijra; causing distress to one's parents [by encroaching on their rights]; and wrongfully acquiring the property of the orphan." Then he said, "At-ta'arrub and shirk are one and the same [in severity]."(1)

Ibn Mahbûb narrates that some of our companions wrote through me a letter to Imam al-Hasan al-'Askari (a.s.) asking him concerning the major sins. He (a.s.) wrote: "The major sins are the ones for which Allah has threatened with the Hell-Fire; the one who refrains from them, He will forgive his sins if he is a believer. Those seven which cause [one to burn in Hell Fire] are: killing an innocent person; causing distress to one's parents [by not upholding their rights]; dabbling in usury; at-ta'arrub ba'd

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1- Muhammad bin Ya'qûb al-Kulayni, al-Usûl min al-Kafi, vol. ٢, p. ٢٨١.

al-hijra; wrongfully accusing a married woman of adultery; unlawfully confiscating the property of the orphan; and running away from the battle-field in jihad."(۱)

Muhammad bin Muslim narrates from Imam as-Sadiq (a.s.): "The major sins are seven; intentionally killing a believer; wrongfully accusing a married woman of adultery; running away from the battle-field in jihad; at-ta'arrub ba'd al-hijra; unlawfully confiscating the property of the orphan; dabbling in usury; and every act for which [the punishment of] the Fire has been promised"?(۲)

Ubaydullah bin Zurarah narrates that he asked Imam as-Sadiq (a.s.) about the major' sins. The Imam said, "In the book of [Imam] 'Ali, they are seven: disbelieving in Allah; killing a person; causing distress to one's parents; dabbling in usury; unlawfully confiscating the property of the orphan; running away from the battle-field in jihad; at-ta'arrub ba'd al-hijra." Then he asked, "So these are the most major of sins?" The Imam replied, "Yes."(۳)

Imam ar-Rida (a.s.) explained the prohibition of at-ta'arrub ba'd al-hijra as follows: "Since there is the danger that because of at-ta'arrub, he [the immigrant] might abandon [Islamic] knowledge, get involved with the ignorant people, and drift away"(۴)

This, however, does not mean that entering non-Muslim countries is always forbidden. Other ahadith had described for us the reward of one who visits non-Muslim lands, the reward that every Muslim longs for. Hammad al-Sindi narrates that he asked Imam as-Sadiq (a.s.), "I visit the cities of polytheism [i.e., of the polytheists]; and there are some among us who say that 'if you die over

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۱- Ibid, p. ۲۷۷.

۲- Ibid.

۳- Ibid, p. ۲۷۸.

۴- Al-Hurr al-'Amili, Tafsilu Wasa'ili 'sh-Shi'a, vol. ۱۵, p. ۱۰۰.

there, you will be raised [in the Hereafter] along with them.'" The Imam asked me, "O Hammad, when you are over there do you talk about our affair [i.e., our truth] and call [people] to it?" I replied, "Yes." The Imam asked me, "When you are in these cities, the cities of Islam, do you talk about our affair and call [people] to it?" I replied, "No." The Imam said, "If you die over there [in the land of the non-Muslims], you will be raised as an ummah by yourself, and there will be light in front of you!"(۱)

General Rules

Based on these and other similar ahadith, and other religious proofs, the jurists (mujtahidin) have issued the following rulings:

۱. It is recommended for a believer to travel to non-Muslim countries for the purpose of spreading the religion [of Islam] and its teaching, provided that he can safeguard himself and his young children against the dangers of loss of the faith. The Prophet said to Imam 'Ali, "If Allah guides a person from among His servants through you, then that is better than everything between the east and the west on which the sun shines."(۲) When asked by a person for a counsel, he said, "I advise you not to associate anything with Allah...and to call the people to Islam. You should know that [the reward] for you for each person who answers [your call] is [equal to] emancipating a slave from the children of [Prophet] Ya'qûb."(۳) (See the question-answer section below.)

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۱- Ibid, vol. ۱۶, p. ۱۸۸.

۲- Al-Hurr al-'Amili, Tafsilu Wasa'ili 'sh-Shi'a, vol. ۱۶, p. ۱۸۸.

۳- Ibid.

believer is allowed to travel to non-Muslim countries provided that he is sure or has confidence that the journey would not have a negative impact on his faith and the faith of those who are related to him.

۳. Similarly, a believer is allowed to reside in non-Muslim countries provided that his residing there does not become a hurdle in the fulfilling of his religious obligations towards himself and his family presently as well as in future. (See the question-answer section below.)

۴. It is haram to travel to non-Muslim countries in the East or the West if that journey causes loss of the faith of a Muslim, no matter whether the purpose of that journey is tourism, business, education, or residence of a temporary or permanent nature, etc. (See the question-answer section below.)

۵. If the wife strongly feels or is sure that her travelling with the husband [to a non-Muslim country] will result in loss of faith, it is haram for her to travel with him.

۶. If the baligh(۱) boys or girls strongly feel that their journey [to the non-Muslim country] with their father or mother or friends will cause loss of faith, it is haram for them to travel with those people.

۷. What do the jurists mean when they speak of, "loss of faith"? It means either committing a forbidden act by indulging in minor or major sins like drinking intoxicant, adultery, eating forbidden meat, or drinking najis (impure) drinks, etc. It also means abandoning the fulfillment of a compulsory

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۱- Translator's Note: Baligh means the legal age in Islamic laws which for boys starts at fifteen lunar years and for girls at nine lunar years. Growth of pubic hair or sexual discharge is also a sign of attaining the age of maturity.

.act like neglecting salat, fasting, hajj and other obligations

If circumstances force a Muslim to migrate to a non-Muslim country with the .٨ knowledge that the migration will cause loss of faith (e.g., a person seeks political asylum in a non-Muslim country in order to save his life), it is permissible for him to make that journey to the extent that it saves his life, and not more than that. (See the question-(.answer section below

If an immigrant Muslim, residing in a non-Muslim country, knows that his stay in that .٩ country will lead to loss of faith or of that of his children, it is wajib on him to return to one of the Muslim countries. (See the questions at the end of this section.) As mentioned .above, this loss of faith is realized by neglecting the obligatory acts or by committing sins

The obligation to return to a Muslim country applies only if it does not lead to death [for .١٠ example, for a political opponent who has fled his own country], or to putting him in untenable situation or, to an emergency situation where religious obligations are suspended (e.g., the necessity of preserving life which allows a person to eat haram meat .(in order to prevent his own death from starvation

If the journey is haram for a person, then his journey will be considered "a journey of .١١ sin;" and, in such cases, he loses the benefit of the concession of praying (qasr) in four - rak'at salat and also the

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benefit of not fasting during the month of Ramadhan. As long as his journey maintains the status of "sin," he cannot benefit from such concessions provided by the shari'a for .travellers

A son is not allowed to disobey his parents when they forbid him from travelling, if their .۱۲ refusal to give permission is out of their concern for the son, or if his journey will cause distress to them because of his separation from them - provided that he does not suffer .loss by not travelling

It is permissible to approach the competent authorities [like police and the justice .۱۳ system in a non-Muslim country] for various important issues -like prevention of harm befalling the person, the honour and the property of a Muslim- provided that it is the only .way for exacting one's right and preventing injustice

Questions and Answers

Question: What is the meaning of at-ta'arrub ba'd al-hijra which is one of the major .۱۴ ?sins

Answer: Some jurists have said that during our time, it applies to residing in countries that may cause the loss of faith. It means the migration of a person from a country -where it is possible for him to learn the obligatory religious teachings and laws, and where it is possible for him to fulfill his obligations and refrain from what is forbidden- to a country .where this possibility does not exist fully or partially

Question: A believer residing in Europe, America and other similar countries feels .۱۵ estranged from the religious environment in which he was born and

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raised. Neither does he hear the voice of the Qur'an [recited from mosques] nor the sound of the adhan(1) coming [from the minarets]; and there are no holy shrines, and their spiritual atmosphere, that he can visit. Is leaving such an Islamic environment of his ?"country and its positive aspects considered "loss of faith

Answer: This is not the loss of faith that would make residing in a non-Muslim country haram for that person. However, staying away from such a religious environment may, with the passage of time, weaken the religious resolve of the immigrant to an extent that he may consider negligence of wajib deeds and committing of sins as insignificant. If a person has this fear that he might lose the faith in this manner, then it is not permissible .for him to take residence in that country

۱۶ . Question: Sometimes a Muslim residing in Europe and America (and other similar places) indulges in haram activities that he would not have done, if he remained in his Muslim country. The manifestations of temptation in non-Muslim societies may attract a Muslim to committing haram deeds even if he is not inclined towards them. Does this come under the banner of "loss of faith" that makes it haram for him to stay in that ?country

Answer: Yes; unless the sins he sometimes indulges in, and without insisting upon them, .they are of the minor category

۱۷ . Question: At-ta'arrub ba'd al-hijra has been described as "migrating to a country in which the religious knowledge of

p: ۳۳

۱- Translator's Note: Adhan means the call for prayer announced at prayer times from the .mosques

the immigrant will decrease, thus becoming more alienated from his faith." Does this mean that a Muslim in such countries is duty bound to be extra vigilant lest he should ?become alienated from his faith

Answer: The extra care becomes wajib when not being mindful leads to loss of faith as .described earlier

Question: If a religious preacher who is mindful of his faith starts facing more . ۱۸ situations where he commits haram deeds because of the social environment (e.g., nudity and indecent exposures), is it haram for him to stay in those countries; that is, should he ?stop propagation (tabligh) and return to his own country

Answer: If he indulges in some minor sins occasionally, then it is not haram for him to stay in that country, provided that he is confident that he would not be tempted to commit .more serious sins

Question: If an immigrant fears the loss of faith for his children, is it haram for him to .۱۹ ?stay in that non-Muslim country

.Answer: Yes, the same rule applies to himself also

Question: Is it wajib on the immigrants in Europe and America (and other similar . ۲۰ countries) to strive for teaching their children Arabic, and that ignorance of Arabic may lead in the future to ignorance of the main Islamic body of knowledge, and that will ?naturally lead to less familiarity with religious teachings and loss of faith

Answer: To teach them Arabic is wajib only to the extent which is necessary for performing their religious duties that have to be

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done in Arabic (e.g., recitation of the Opening chapter of the Qur'an, a second chapter, and other wajib recitations in salat). Teaching more than that is not wajib as long as it is .possible to provide them with religious knowledge in a foreign language

Of course, it is recommended to teach them the holy Qur'an [in Arabic]; rather it is important to teach them Arabic in a precise form so that they may benefit from the basic sources of Islamic teachings, especially, and foremost among them, after the holy .(Qur'an, is the Prophetic sunna and the sayings of the Ahlul Bayt (peace be with them all

Question: If it is possible for a Muslim to reside in a Muslim country with some financial .۲۱ difficulty compared to his present situation, then is it wajib on him to travel to that Muslim ?country and leave leave his residence in Western countries

Answer: It is not wajib [to leave the Western country] except if he has no confidence in himself, in that he may lose his faith -as explained earlier- while residing in the foreign .country

Question: If a person has the ability to propagate Islam to non-Muslims or to . ۲۲ disseminate religious knowledge among Muslims in non-Muslim countries without any (?danger of losing his own faith, is it wajib on such a person to do propagation (tabligh

Answer: Yes, it is wajib kifa'i upon him and all the others who have the ability to propagate .[[Islam

Question: Is it permissible for a person to buy a .۲۳

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passport [i.e., to illegally obtain a passport] or change the picture in the passport so that he may be able to enter a country, and then he would let the immigration officials of that ?country know the truth about his identity

.Answer: We do not allow it

Question: Is it permissible for a person to reside in non-Muslim countries with all its .۲۴ temptations that confronts the person on the street, the school, the television and other media while he has the ability to migrate to a Muslim country although that transfer would cause difficulty in residence, loss of material wealth and comfort, and constrain the worldly aspects of his life? If it is not permissible to remain in such a country, would his efforts in propagation among the Muslims (reminding them of their obligations and encouraging them to refrain from haram) change the rule for him and allow him to remain ?in that country

Answer: It is not haram to stay in that country, if it does not create hurdles for him and his family in fulfilling their religious obligations presently as well as in future; otherwise, it would not be permissible even if he is engaged in some kind of propagation activities. And .Allah knows the best

Taqlid: Following a Jurist

Introduction

Taqlid means acting according to the opinion of the jurist (mujtahid) who has all the necessary qualification to be emulated. So you do what the mujtahid's expert opinion says you should do, and refrain from what his expert opinion says you should refrain

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from without any research [in Islamic sources] on your part. It is as though you have .placed the responsibility of your deeds squarely on his shoulders

Among the conditions which must be found in a jurist (mujtahid) who can be followed is that he must be the most learned (al-a'lam) jurist of his time and the most capable in .deriving the religious laws from the appropriate sources

General Rules

:Now it is appropriate to clarify the following issues

۲۵. A person who does not have the ability to extract and derive the religious laws must take up taqlid of the most learned mujtahid. The deeds of such a person without taqlid or .ihtiyat are null and void

۲۶. The most learned mujtahid (al-a'lam) is the most capable in deriving the religious laws .from their sources

۲۷. In order to determine who is the most learned mujtahid, one must refer to the ahlul khibra (those who are sufficiently knowledgeable in Islamic jurisprudence). It is not .permissible in this matter to refer to a person who has no expertise in this subject

۲۸. You can know the opinion (fatwa) of your marja' by one of the following methods:

.a. By hearing the ruling from the mujtahid himself

b. By being informed about the mujtahid's fatwa by two just men or by a reliable .person

c. By referring to the Manual of Islamic Laws (risala) of the marja' or other books of that .category

۲۹. When the most erudite mujtahid has no fatwa on an issue or if it is not

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possible for the layman to find the opinion of his marja' when he needs it, he can then .refer to another mujtahid who is the second best in the line of hierarchy of being a'lam

Questions and Answers

Question: The jurists tell us that it is wajib to emulate the most learned (a'lam) . ۳۰ mujtahid, and when we ask the religious scholars in our area, "Who is the a'lam?" we do not get a clear-cut answer so that we may follow his fatwa. When we ask them about their answer, they say that they are not ahlul khibra and they also say that: "we have asked ahlul khibra(۱) and have been informed that identifying the a'lam mujtahid requires the study of the books of the mujtahids and that obviously is a time consuming and ."difficult task; so go and ask the others

If the problem of identifying the a'lam mujtahid is so difficult in religious circles, obviously the problem would be even more difficult in other countries like Europe and America. After a lot of difficulty when we convince the youths of these countries that it is necessary to abide by the shari'a laws, we reach to the question of who is the a'lam, and find ?ourselves lost for words. Is there a solution to this problem

Answer: If there are some ahlul khibra who refuse to identify the a'lam for one reason or another, there are other ahlul khibra who readily identify him. It is possible to contact those ahlul khibra through the religious scholars

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۱- Translator's Note: See rule no. ۲۶ for meaning of ahlul khibra.

and others who are reliable and have contacts with religious seminaries and with the scholars in other countries. So, although identifying the a'lam is not without difficulty, yet .it is not a serious problem

Question: How do we know who ahlul khibra are so that we may ask them about the .۳۱ a'lam mujtahid? How do we reach them since we are far away from religious seminaries? Is there a way that can simplify for us the process of determining whom we should follow in taqlid

Answer: The ahlul khibra are the mujtahids and those next in line in religious sciences, and they know quite well that one person in a limited group of mujtahids is the a'lam. And :they have to consider the following three things to identify that a'lam

a. First: His knowledge concerning the methods for providing the authenticity of the hadith, and that involves 'ilmu 'r-rijal (the science of narrators of hadith) and 'ilmu 'l-hadith (the science of hadith). On this subject, issues like familiarity with the books [of hadith] and the ahadith that have been tampered with; knowledge of causes for fabrication [of ahadith]; variance in the manuscripts and distinguishing the most correct one; and being aware of confusion which sometimes occurs between the text of a hadith .and the explanation of the compilers, are of utmost importance

b. Second: His ability to understand the meaning of the text by considering the general rules of speech, especially

the style used by the Imams of Ahlul Bayt (a.s.) in describing the laws. The science of 'usûlu 'l-fiqh (Principles of Jurisprudence), Arabic grammar and literature, as well as familiarity with the views of the Sunni jurists who were contemporaries of the Imams play .an important role in the understanding of the hadith texts

c. Third: Soundness of his view in deriving the rules from the sources. And the method of getting acquainted with those in whom the status of a'lam is confined to having scholarly discussions with them or to referring to their books or to the transcripts of their lectures .on Jurisprudence and the Principles of Jurisprudence

If a person cannot know the ahlul khibra by himself, he can come to know them through the religious scholars and others whom he trusts. The geographical distance should not be a barrier to establishing communication with them in this era where many fast means .of communication are easily available

Question: Sometimes the heart feels at ease in regard to a particular mujtahid. Is this .۳۲ feeling sufficient to do his taqlid if the ahlul khibra have difference of opinion in ?determining the a'lam

Answer: If the ahlul khibra have difference of opinion in determining the a'lam, one .۳۳ must follow the view of those who are more qualified and capable among the ahlul khibra. .This is the norm in dealing with all cases where the experts have difference of opinion

Question: If the ahlul .۳۴

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khibra have difference of opinion in determining the a'lam mujtahid or just say that following any one from the given number of mujtahids is sufficient, can a person apply the fatwa of one mujtahid in one issue and another mujtahid in another until it becomes ?clear for him who is the a'lam

:Answer: This question has three parts

d. First: That some ahlul khibra announce that "it is sufficient to follow one specific .mujtahid or of a group of mujtahids." This has no religious value at all

e. Second: That the ahlul khibra announce that two or more mujtahids are equal in knowledge and piety (in the sense of being careful in deriving the laws [from their sources]), then a lay person has the option of acting according to the views of any one of .the mujtahids in all the issues

However, as a matter of precaution (ihtiyat) in some issues, if possible, one could act in such a manner as to fulfill the requirements of both views; for example, in the case of praying concessionary qasr and full (tamam) prayers. [That is, praying the same prayer in [.qasr as well as in tamam forms

f. Third: That some ahlul khibra announce that mujtahid 'a' is the a'lam whereas others among the ahlul khibra announce that mujtahid 'b' is the a'lam. This can have two :situations

i. A person knows that one of

the two mujtahids is the a'lam but he does not know which one specifically. This is a very .unusual situation and it has been discussed in detail in Minhaju 's-Saliheen, question No. ۹

ii. A person does not know which of the two is the a'lam in the sense that he thinks both are equal in knowledge. This refers back to the second of the three parts mentioned above, provided that the person is unable to identify the more Godfearing of the two mujtahids. If he is able to identify the more Godfearing of the two mujtahdis, he must .follow the fatwa of that mujtahid

Question: If a person does not know the view of his marja', in a certain problem, is it .۳۵ necessary for him to find out about it even if it involves expensive telephone calls? Or is it sufficient to act on the known view of any other mujtahid until he finds out the view of his own marja'? And in such a case what will be the verdict on the past acts [done according ?'to the view of the other mujtahid] if it differs from the view of his own marja

Answer: It is necessary for him to find out the view of his a'lam marja' even through telephone contact as long as it does not cause him harm [physically or financially]. If it is not possible for him to find out the view [of his own marja'], it is permissible for him to refer in

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that particular case to the other mujtahids, taking into account the hierarchy of the al-a'lam and the next a'lam in line. The deeds performed according to the view of the second mujtahid would be valid even if the worshipper later on finds out that it was not in '.accordance with the view of his own marja

Taharat Najasat: Ritual purity impurity

Introduction

A Muslim tries to maintain the ritual purity of his body, clothes and everyday commodities by avoiding contact with impure things because such contacts would render the other .items impure and would, therefore necessitate the process of purification

Residing in a non-Muslim country makes the process of maintaining purity difficult for some Muslims as they deal with its non-Muslim citizens in various situations of their day-to-day life: in restaurants, cafes, barber's shops, laundrettes, and, in public baths and utilities, etc. Therefore, it is appropriate for me to clarify for the respected readers the .(religious rules concerning taharat (ritual purity) and najasat (ritual impurity

General Rules

A well known religious law says: "Everything is ritually pure for you unless you come to .۳۶ know that it is ritually impure." This law declares everything to be pure unless one becomes sure a particular item has become impure. And as long as you are not sure that it has become ritually impure (najis), it is to be considered pure and you can apply all the .rules of purity to it without any hesitation or doubt

The Ahlul Kitab (that is, the Jews, the Christians and the Zoroastrians) are ritually pure .۳۷

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tahir) as long as you do not know that they have become ritually impure (najis) by coming) .into contact with an impure object. You can follow this ruling when dealing with them

The impurity transfers from one item to another through flowing wetness [that is, .۳۸ there is so much wetness in the impure item that it permeates to another item and makes it impure]. The impurity is neither transferred when it is dry, nor is transferred by non-flowing wetness. So, if you place your hand on a dry najis item, your hand will not become .impure

You can assume the ritual purity (taharat) of any person that you meet and shake .۳۹ hands with (even if that person's hand is wet) as long as you do not know his faith and religion - in such cases you can assume that he might be a Muslim or one of the Ahlul Kitab. Moreover, it is not obligatory for you to ask him in order to ascertain his religion; that is, even if doing so does not put you or him in any inconvenience. (See the question-.(answer section below

Any water drops or other liquids that fall upon your body or dress are to be considered .۴۰ .pure as long as you do not know that they are najis

All kinds of alcohol (whether extracted from wood or other sources) is pure, not najis. .۴۱ So, the medicines, the perfumes, and the food containing alcohol are pure and can be used. It is also permissible

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.to eat such food if the amount of alcohol is very minute

No matter who was the previous user, the everyday commodities and utensils can be .۴۲ used without the need for purifying them as long as you do not know that they had (.become najis previously. (See the question-answer section below

If the carpet and the mattress become najis by the elements that do not have a mass .۴۳ (i.e., do not leave any marks or stains on the carpet or the mattress), it can be purified by sprinkling water over it from a kettle or a jug once until the pure water covers the impure area, and then wipe the water away by using a piece of cloth or a vacuum cleaner, etc. The carpet or the mattress will now be considered pure; and the water removed from it .will be considered, on the basis of obligatory precaution, as najis

The same rule will apply in purifying the cloth if it becomes najis by impure sources other .than urine. Things becoming najis by urine will be discussed later on

If one wants to purify the carpet or the mattress by using pure water connected to the .۴۴ kurr source [e.g., by using a hose pipe instead of pouring water from a jug], there is no need to wipe the water off using a piece of cloth or a vacuum cleaner, etc. As soon as the kurr water covers the najis area, it will become pure [and the water will also be considered

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.[as pure

It is possible to purify the carpet or the mattress which has become najis by the .۴۵ elements that do have a mass (i.e., do leave marks or stains like blood or semen) by the same method as mentioned in No. ۳۹ provided that the impure element is removed while washing or prior to washing. The only difference is that if it is purified by the qalil water [e.g., from a jug or a glass], then the water removed from the carpet will be considered .najis as a confirmed opinion and not as an obligatory precaution

If a carpet or a mattress becomes najis by urine of an infant child that mostly gets .۴۶ nutrition by breast-feeding, then it can be purified by sprinkling water - even if it is little - on it until it covers the najis area. In this case, there is no need to remove the water by .using a piece of cloth or vacuum cleaner, etc

If clothes become najis by urine, they can be purified by sprinkling little water on them .۴۷ from a kettle or a jug, etc., until it covers the najis area; then the water should be wiped off by using a piece of cloth, etc. You have to do this twice so that the clothes restore their .taharah

The water that has been wiped off from the clothes (while purifying it two times) will be .۴۸ considered najis on the basis of obligatory precaution, if there is no urine in them. Conversely

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.the water will be considered najis as a confirmed opinion

If one wants to purify such a clothes with pure water which is connected to a kurr .۴۹ source [e.g., under the water tap or by using a hose pipe], even then it is necessary to wash them twice. Similarly, it is necessary to wash the body twice -even when washed in .kurr water- while purifying if it has become najis because of urine

If the hand and the clothes become impure because of an intoxicating drink, a single .۵۰ wash can purify them. However, in case of purifying the same with little water, it is .necessary to rinse the cloth after washing

Utensils and cups that have become impure because of intoxicating drink should be .۵۱ washed three times if purified with little water. If they are purified with pure water connected to a kurr source, even then it should be washed three times, as a matter of .obligatory precaution

A single wash can purify the hand and the clothes that have become impure by licking .۵۲ of a dog. Such a clothes, need to be rinsed if it is purified by little water. (See the question-(.answer section below

Utensils and cups that have become impure by licking of a dog or by the dog drinking .۵۳ from them can be purified as follows: first they should be cleaned by using earth or dust, .and then by washing them twice with water

Questions and Answers

Question: The earth is one of the purifying agents. Following the example .۵۴

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of a shoe's sole that can be purified by walking on the earth, would the same rule apply to ?car tires

.Answer: The earth cannot purify the tires .۵۵

Question: Where does the domino effect of mutanajjis items stop when it is no longer .۵۶ (wet?(۱

Answer: The first mutanajjis item would make the item that comes into contact with it .۵۷ impure; similarly, the second mutanajjis would make the item that comes into contact with it impure; but the third mutanajjis can no longer make other items impure, .irrespective of whether it is wet or dry

?Question: If a dog licks my body or clothes, how should I purify it .۵۸

Answer: It is sufficient to wash it once. However, if the water is little, it is necessary to rid .it of the water by wringing

Question: Are the Sikhs considered to be among the followers of the past revealed .۵۹ ?religions like the Jews and the Christians

Answer: They are not counted among the People of the (Revealed) Books (the Ahlul .(Kitab

?Question: Are the Bhuddhists among the Ahlul Kitab .۶۰

.Answer: They are not from them

Question: Can Muslim, who rents a fully furnished house in the West, consider . ۶۱ everything in it to be ritually pure as long as he does not find any trace of impure things in it, even if the previous occupant was from Ahlul Kitab, i.e., a Christian or a Jew? What if the previous occupant was a Bhuddhist or an atheist who does not believe in God and the ?prophets

,Answer: Yes

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Translator's Note: An item which is impure by itself is known as 'ayn najis or simply – ۱ najis; the item that becomes impure by coming into wet contact with an 'ayn najis is .known as "mutanajjis," that is impure by secondary reason

he can consider everything in the house ritually pure as long as he does not know that it .has become impure. Just conjecture or doubt about impurity is of no value

Question: The floor of most houses in the West is covered with carpet which is glued to .۶۲ the floor in such a way that it is difficult to lift it off. How can such a carpet be rendered pure (tahir), if it becomes impure with urine or blood? The water used to purify in both the .cases could be qalil or kathir. Please explain the ruling in both cases

Answer: If it is possible to wipe the water off the carpet by using a piece of cloth or a vacuum cleaner, it can be purified with qalil water, provided that the water is wiped off the carpet, in the process. Conversely, it must be purified by kathir water [i.e., by using a .[hose pipe connected to the tap

Question: In the West, there are many public laundry places in which Muslims and non- .۶۳ Muslims wash their clothes. Is it permissible for us to pray in the clothes washed in such facilities, especially when we have no knowledge whether or not the washing machines are connected to the kurr water(۱) at some stages of the washing, and whether or not it ?purifies the clothes in the process of washing

Answer: There is no problem in praying in those clothes that were pure before washing them [in such facilities] as long as you are

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Translator's Note: All laundry machines are connected to kurr source because it comes -۱ .from the main reservior supplying the water to the city

not aware that they have become impure. [In other words, what goes in the public washing machine as pure comes out as pure unless you are sure that it has become [.impure

Similarly, [you can pray in] the impure clothes [that were washed in the public laundry :machines] provided that you are reassured

;a. that the impure element, if any, has been washed away

b. that the pure water covered the entire impure area twice (if it had become impure by urine and even if the water was connected to kurr source as an obligatory precaution) or (;just once (if it had become impure by other elements

c. and that the water was removed from the clothes by wringing or other similar .method [i.e., spinning of the machine] if it was qalil

However, if you are not sure and just have conjecture that the garment has been purified as per religious requirement, the previously impure garment will still be considered .impure and praying in it would not be valid

Question: Can the clothes washed with liquid detergent in laundry facilities owned by a .۶۴ non-Muslim be considered tahir while knowing that Muslims as well as non-Muslims wash ?their clothes there

Answer: If you do not know that the clothes have come into contact with a source of .(najasah, you can consider them tahir (pure

Question: Some soaps contain pigs' fat or other animals not slaughtered Islamically. .۶۵ Furthermore, we do not know whether or not chemical change has taken place in the manufacturing process. Can

such soaps be considered tahir? [Chemical change is a purifying agent in the sense that it purifies a najis item.]

Answer: If it is proven to contain those [impure] elements, it should be considered impure, except if the occurrence of chemical change is proven. Such a change is not proven in manufacturing of soaps.

۶۶. Question: A toothbrush that contains bristles from the hair of a pig: is it permissible to buy, sell and use it? Does the mouth become impure by using such a toothbrush?

Answer: It is permissible to buy, sell and use it; however, the mouth will become impure by using it; and the mouth will become pure by taking that toothbrush out and getting rid of the remaining toothpaste from the mouth.

۶۷. Question: If blood is seen in the yolk or the white part of the egg, does it make the egg impure and haram for us? Is there a solution for it?

Answer: The clot of blood inside the egg is pure, but it is haram [for consumption]. Therefore, the egg can be eaten by removing the blood from it, provided it not very minute and been absorbed in it. [In the latter case, is not removable, then the egg becomes haram.]

۶۸. Question: Are alcoholic beverages pure? Is beer pure?

Answer: There is no doubt about the impurity of alcoholic drinks. As far as beer (fuqa') is concerned, it is impure on the basis of precaution; however, there is no doubt in it being haram.

۶۹. Question: The people residing in

Europe are of different faiths, nationalities and religions; and when we buy moist or wet food items, the shopkeeper may touch it with his hands. Since we do not know his religion, ?can we consider that food as pure

Answer: As long as it is not known that the hands of the shopkeeper were najis, the food .is to be considered tahir

Question: What about the leather products made in a European country, if we are .۷۰ unaware of the source of that leather? It is said that some European countries import cheap leather from Muslim countries and then use it for manufacturing various products. Can we consider such leather pure? Are we allowed to say salat in them? Can such a ?weak probability [about it originating from a Muslim country] be given any credence

Answer: If the probability of the leather originating from a zabiha (an animal slaughtered Islamically) source is so weak that people would not normally give any credence (for example, the probability of ۲٪), it is to be considered impure and this cannot be used in salat. But if the probability is not so weak, it can be considered pure and using it in salat .would be permissible

Salat: The ritual prayer

Introduction

The salat has been described in some ahadith as "the pillar of religion." Imam 'Ali (a.s.), after receiving the fatal injury by Ibn Muljim (may Allah curse him), in a part of his advice to his sons, al-Hasan and al-Husayn (a.s.) said, "[Fear] Farewell Allah, and keep Allah in view

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with regardst salat, for it is the pillar of your religion. [Fear] Allah, and keep Allah in the matter of the house of your Lord (i.e., mosque): do not leave it empty as long as you (live."(۱)

As-Sukuni narrates from Imam as-Sadiq (a.s.), "The Messenger of Allah (s.a.w.) said, 'Satan is frightened from a believer as long as he keeps up salat on time; but when he starts neglecting them, Satan becomes emboldened and tempts him to commit major (sins).'"(۲) Yazid bin Khalifa said that he heard Imam as-Sadiq (a.s.) say, "When a person stands for salat, mercy descends upon him from the heaven to the earth and the angels engulf him, and an angel calls out: 'if this person knew what is [the reward] for the salat, (he would never stop.'"(۳)

From these [few selected ahadith] we can understand the clear and obvious importance of salat in Islam. And since salat is like having audience with the Almighty Allah (as the ahadith have it that a person standing for prayer is as if he is standing in audience of the Almighty), the worshiper should approach Allah through presence of heart by not thinking or occupying his mind with anything worldly and transitory. Almighty Allah says in the Holy :Qur'an

(Indeed successful are the believers who are humble in their prayers." (۲۴:۱"

When Imam 'Ali Zaynu 'l-'Abideen (a.s.) said his salat, he used to stand "firm and motionless like a tree: nothing moves on it except what is moved by the wind."(۴) When

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.Tafsilu Wasa'ili 'sh-Shi'a, vol. ۴, p. ۳۵ -۱

.Imam 'Ali, Nahju 'l-Balagha (ed. Subhi as-Salih), p. ۴۲۲ -۲

.Tafsilu Wasa'ili 'sh-Shi'a, vol. ۴, p. ۲۸ -۳

Sayyid Muhammad Hadi al-Milani, Qudatuna: Kayfa Na'rifuhum, vol. ۶, p. ۱۶۴ which has -۴ .(.a special section on the prayers of Imam Zaynu 'l-'Abideen (a.s

the Imams, al-Baqir and as-Sadiq (a.s.), stood for their salat, "their colour would change to red and then yellow as if they were talking to someone whom they could see."(۱)

General Rules

.۷۱ The mujtahids say that salat cannot be skipped under any circumstances. It means that it is not to be omitted whether one is travelling or at home; even if the time is running out, it is obligatory upon the Muslim, for example a traveller, to say his salat in a plane, ship, car, or a train whether stationary or moving; it could be performed any where: in the waiting room, in a public park, on the side of a road, or at the work-place, etc.

.۷۲ When it is not possible for the traveller to say the salat in a plane or a car or a train in a standing position, he should say it while he is seated.

If it is not possible for him to find the direction of the qiblah, he should face the direction that he most probably thinks to be the qiblah; if he is unable to prefer one direction to the other, he should pray in whatever direction he is facing. If it is not possible to face the qiblah except for takbiratul ihram (the opening "Allahu akbar"), he should at the least say the takbir facing the direction of qiblah. (See the question-answer section below.)

.۷۳ It is permissible to ask the airhostess about the direction of the qiblah so that she may ask the pilot

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۱- Sayyid as-Sistani, Minhaju 's-Saliheen, vol. ۱, p. ۱۹۳.

about it. If you have confidence in their information, you can rely on it even if they are .non-Muslims

Similarly, it is permissible to rely on scientific instruments for determining the direction of .the qiblah, for example the compass, if a Muslim is convinced about its correctness

If a Muslim cannot do wudhu (minor ritual ablution) for the salat, then he should do .۷۴ .tayammum instead

The length of day and night differs from place to place. If the day and the night are .۷۵ clearly known by the rising of the sun and its setting, the Muslim should rely on the rising and the setting of the sun for determining the times for salat and fasting. This is so even if that means that the prayers have to be said more frequently shorter days or that fasting .becomes lengthier shorter nights

In some places the sun does not set or does not rise at all for a number of days or .۷۶ months. As a matter of precaution Muslims should rely on the timings of the closest city that has night and day in a twenty-four hour period. Thus, they will, pray five salats according to the times of that closest city with the intention of qurbat in general [i.e., .[(without saying ada (prayer on time) or qadha (prayer outside its time

If it is not possible for a Muslim to determine the beginning of true dawn (fajr) or the .۷۷ midday or sunset for his prayers and fasting, and he has faith in

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the timings given by the observatories, he can rely on the same, even if the scientists running the observatories are non-Muslims-as long as you have faith in their determining .true dawn or noon or sunset times

For a traveller, it is obligatory to say salat in qasr form; that is, he will recite the noon, .۷۸ afternoon and night prayers only two cycles (rak'at) [instead of the normal four rak'at] provided he travels for forty-four kilometers or more (in both ways), starting from the last (houses of his city in normal cases.(۱

There are detailed and specific rules in the Manual of Islamic Laws explaining when to pray qasr and when not to pray qasr while travelling. (For some rules, see the questions-(.answers at the end of this section

Praying Friday salat with due attention to its required conditions is preferable to . ۷۹ praying the noon salat, and is sufficient; that is, if a person says Friday prayer, he does .not have to say noon prayer

Praying in congregation (jama'at) is preferable to praying individually. Its preference is .۸۰ stronger in the dawn, sunset and night prayers. A noble hadith says: "A salat [in congregation] behind a learned scholar is like [praying] a thousand cycles; and behind a Qurayshi is like [praying] a hundred cycles." As the number of the worshippers increases, .the preference [and the reward] also increases

Questions and Answers

Question: A person used to make mistakes in the way he performed his wudhu (minor .۸۱ ablution) or ghusl (major ablution). After many years, he comes

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In normal cases" means other than the major metropolitan cities where going from -"۱ .one end to another is considered travelling

to realize his mistakes. When he inquires as how to solve his problem, he is told: "Repeat all your prayers and perform the pilgrimage again." Since saying all the prayers and doing the pilgrimage again is difficult, is there a solution which would salvage his prayers and pilgrimage performed with wudhu and ghusl that he thought was correct? Is there such a solution as a concession to this person so that he does not become disheartened and rebellions against religious obligations in a society which encourages such kind of ?rebellion

Answer: If he was ignorant out of innocence, and therefore made mistakes without causing harm (e.g., did not follow the proper sequence in washing the head and the other parts of the body in ghusl; or did the wiping of the head or feet [mash] with a new water), then his wudhu and ghusl will be considered correct; and, consequently, his past prayers .and pilgrimage will also be considered correct

But if he was ignorant out of negligence in learning the Islamic laws or did mistakes which do invalidate the act in general (e.g., leaving out some parts of the body which must be .washed in wudhu or ghusl), there is no way to validate his past prayers and pilgrimage

However, if there is the fear that he would totally rebel when asked to make up all the past prayers and pilgrimage, then it is not appropriate to ask him to do so. Maybe Allah .will improve his situation in future

Question: Some .٨٢

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people pray for years and even perform pilgrimage, yet they do not pay khums.(۱) Is it ?obligatory on them to repeat their prayers and pilgrimage

Answer: Based on precaution, it is obligatory on them to repeat prayers and pilgrimage, if the particular dress that they used in prayers, in tawaf and in salat of tawaf was from .items on which khums had become due

However, if only the dress they used in salat of tawaf was from items on which khums had become due, and they were ignorant (even out of negligence) of the law or the status of the dress, their pilgrimage is valid, but they have to repeat salat of tawaf if they had no .excuse for their ignorance

In this case,] they have, as a matter of precaution to return to Mecca [to perform the] salat of tawaf again], if it does not entail great difficulty; otherwise they can perform that .salat wherever they are

Similarly, they will have to do the pilgrimage again if the animal offered as a sacrifice was bought with money on which khums had become due. However, if they had bought it with money whose unspecific portion was liable for khums -as is the case normally - there is no problem in their pilgrimage, even if they used it from the money on which khums had .[become liable; of course, they will be responsible for that amount [for payment of khums

All this is applicable, if they knew about the obligation of khums and the law forbidding

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۱- Translator's Note: Khums is an annual Islamic tax applied, among other things, on the savings. See the Manual of Islamic Laws or the present translator's, Khums: An Islamic .Tax for details

them to utilize items on which khums has become wajib or if they were ignorant out of negligence. But, if they were ignorant out of innocence, their prayers and pilgrimage are .valid

Question: If a traveller leaves his home town immediately after the adhan of noon .٨٣ prayer, i.e. without saying that prayer, and reaches his destination after sunset, has he ?committed a sin? And is it obligatory on him to make up for noon prayer

Answer: Yes, he has committed a sin by neglecting the obligatory prayer in its appropriate .time, and he has to make it up

Question: Is the ink that had dried [on our hands, for example] a barrier to perform .٨۴ wudhu or ghusl

Answer: If it does not form a mass that would prevent water from reaching the skin, the wudhu and ghusl is valid. However, if one has doubt whether it forms a mass or not, it .must be removed

Question: Is it permissible for a Muslim to involve in pleasure by continuing to watch an .٨۵ entertaining movie even, though salat time is due, and then he goes to say his prayers (?just before it becomes overdue (qadha

Answer: It is not appropriate for a Muslim to delay the saying of salat from its preferred time (i.e., at the beginning of its time span) except for an excuse; what has been .mentioned in the question is not an acceptable excuse

Question: Is cream a barrier to water reaching the skin, and if so should it be removed .٨۶ prior

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?to wudhu and ghusl

Answer: Apparently the effect left on the skin after it is applied is nothing but just .moisture, and so it does not constitute a barrier to water reaching the skin

Question: Some women let their nails grow longer than necessary for beauty. .۸۷ Sometimes a nail breaks up, requiring a cover that must be placed over the broken nail. Knowing that such a cover prevents water from reaching the nail in wudhu and ghusl, is it ?permissible to use it? How should wudhu and ghusl be performed with that cover

Answer: Wudhu and ghusl with such a cover over the nail is not valid; therefore, it is necessary to remove it for ablutions. And the purpose mentioned above for the cover is .not justifiable

Question: When should one say his salat full (tamam) and when should one say it qasr .۸۸ (two rakat instead of four)? Is the general perception about a person being resident of a [?city sufficient for him to say his salat fully [in that city

Answer: The conditions for qasr in travelling have been mentioned in the Manual of Islamic Laws. When a person considers residing in a city for a long time, and in the general perception it is considered as such, he is not considered as a traveller (e.g., if he intends to reside in that city for year and a half, it will be considered as his home-town after one month). But if he intends to stay in that city for a short while

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.only and is considered, in the general sense, as a visitor, he should pray qasr

Question: How can we know the time of mid-night? Do ۰۰.۰۰ hours the point of mid- .۸۹ ?night as it is commonly held by some people

Answer: Midnight is halfway between sunset and true dawn. So if the sun sets at ۷ p.m. and the true dawn begins at ۴ a.m., then midnight will be at ۱۱:۳۰ p.m. The criteria for determining midnight are the timings of sunset and true dawn, which differ according to .place and season

Question: A person who believes that he will not be able to wake up for dawn prayer if .۹۰ he goes to sleep, is it obligatory on him to stay awake till the time of prayer? Is he ?committing a sin if he sleeps and does not wake up for dawn prayer

Answer: It is possible for him to ask someone to wake him up for dawn prayer or use an alarm clock, etc, for this purpose. If these means of waking up are not possible, then he is not committing a sin by going to sleep unless it is considered, as is widely believed, an .insult to, and neglect of, the salat

Question: How can we say our obligatory prayers in an aircraft, especially if we do not .۹۱ know the direction of the qiblah taking into consideration the instability of the floor [?[because the plane is in motion

Answer: As for the qiblah, it is possible to identify its direction by asking

the captain or the airhostesses because their answers usually carry validity and are a .source of assurance. One should therefore act accordingly

As for the stability of the floor where salat is to be performed, that condition will be waived when it is not possible to achieve it. However, other conditions of prayers should, wherever possible, be observed. Under no circumstance should the prayer be delayed .beyond its appropriate time span

Question: How should we say our salat in trains and cars? Is it necessary to do .۹۲ prostration (sajda) on something or is it not necessary, in that would bending of the neck ?be sufficient

Answer: It is obligatory to say salat in the usual way where possible. So, one should face the qiblah in all stages of the salat; if not, at least while saying the opening takbir. .Otherwise the condition of facing the qiblah will be dropped

Similarly, if it is possible to do the bowing (ruku') and prostration (sajdah) normally (e.g., in the aisle of the bus or the train), those parts of salat should be done normally. But if it is not possible, then one should try to bow normally for ruku' and sajdah [for example, from .[a sitting position on the seat or the berth of the train

For sajdah, one has to put the forehead on an item on which sajdah is valid, even if by lifting that item to the forehead. If bowing normally is not possible, one should just indicate by bending the neck [halfway for

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.[ruku and fully for sajdah

Question: If the time for salat has come while the student is still on his way to the .٩٣ university. When he reaches the university, he realizes that the time of salat has ended. In this case, is it permissible for him to say salat in the car although there are places in which he could pray, yet by going to those places he may risk becoming late [for his [?university

Answer: The delay in getting to the work place [or university] is not a good enough reason for praying in the car. This is because it involves non fulfillment of some of its conditions while it is possible to get down and pray normally on the earth with all the conditions fulfilled. However, if the delay is going to cause him considerable harm or put him in an untenable situation, it is permissible for him to pray in the car, (without being able to fulfill .(some of prayer's conditions

Question: It happens that the time of salat sets in while the Muslim worker is at his .٩۴ work-place, - noting that finding work is not easy - thus, he finds it difficult to leave the work for salat. Sometimes he ends up losing his job because of his insistence on saying salat. Is he allowed to say his prayers as qadha? Or must he say them [on time], even if it ?leads to him losing his job

Answer: If the need to work at that place reaches the

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level of necessity, then he should pray in time in whatever way possible: even just by indicating [by lowering the neck halfway for ruku' and fully for sajda]. However, such a situation would arise only exceptionally. So he should fear Almighty Allah and not accept a job which leads to neglecting the pillar of faith; thus, he should remember the words of the Almighty: "And whosoever fears Allah, He will make a way out for him [from (difficulties] and provide for him from where he does not expect." (۶۵:۲

Question: Many big companies and business in the West employ large numbers of .۹۵ employees who work in offices about whose ownership they have no idea. So what is the :ruling on

?a. Praying in those offices and using the water for wudhu

b. If praying there is problematic, what would become of past prayers said in those ?places

:Answer

a. There is no problem in praying in those places nor in using the water for wudhu as .long as it is not known to have been usurped

b. If it becomes clear after saying the salat that the property was usurped, the past .prayers are valid

Question: If I pray with a leather belt or a wallet made from leather of a mayta and .۹۶ realize it during the salat or after finishing it but before the end of its time span or after ?the ending of its time span-what would become of that prayer

Answer: The prayer with a wallet made from leather

of a mayta is valid just as it is acceptable to pray with a belt made from such a leather, provided that the probability of it being from zabiha is not a very low probability that .would be ignored by sensible people

In the second case [of very low probability], if he was ignorant [of this rule] and realized during salat, he should take it off immediately and his salat would be valid. The same rule would apply if he forgot [that he had the wallet or the belt on him] and remembered during salat, provided that his forgetfulness was not a result of carelessness and indifference. In other cases, he will have to repeat salat in time or qadha as a matter of .obligatory precaution

Question: One of the famous trousers these days is the one known as jeans. It is made .٩٧ in non-Muslim countries. It has a piece of leather used as a label. It is not known whether the leather is that of an animal slaughtered Islamically or non-Islamically-is it permissible ?to say salat with these trousers

.Answer: Yes, it is permissible

?Question: Is salat valid if the person uses cologne? Is cologne ritually pure .٩٨

.Answer: Yes, it is pure

?Question: Is it alright to do sajdah on concrete or on mosaic .٩٩

.Answer: Yes, it is alright

Question: Some prayer-mats are made of synthetic material; is it permissible to do .١٠٠ ?sajdah on them

.Answer: Sajdah on such items is not good enough

Question: Is it permissible to do sajdah on writing paper .١٠١

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and on paper tissues, especially, if is not known whether or not the raw material they are ?made of was from items on which sajdah is valid

Answer: It is not permissible to do sajdah on paper tissues, only after ascertaining that they have been made from items on which sajdah is allowed; it is permissible to do sajdah on paper if it is made from material on which sajdah is allowed or from cotton or .flax

Question: A reciter of the Holy Qur'an recites a verse of wajib sajdah, on hearing it .١٠٢ ?from a cassette player, is it obligatory on us to do sajdah in this case

.Answer: It is not obligatory

Sawm: Fasting

Introduction

The noble Prophet Muhammad (s.a.w.) gave an impressive sermon welcoming the month :of Ramadhan. He said

O people! The month of Allah with its blessings, mercy and forgiveness has come upon" you. It is the most preferred of all the months with Allah; its days are the best of days, its nights are the best of nights, and its hours are the best of hours. It is a month in which you have been invited as guests of Allah and have been placed among those honoured by Allah. Your breathing in it is [like] an act of praising [Allah], your sleep an act of worship; your good deeds are accepted, and your prayers answered. Therefore, ask Allah with sincere intentions and pure hearts to help you in fasting and recitating His Book during this [month]. Indeed damned is he

.who is deprived of Allah's forgiveness during this august month

O people! The gates of Paradise are wide open during this month; therefore, ask your" Lord not to close them in your face and the gates of Hell-Fire are locked; therefore, ask your Lord not to open them for you. Satans are chained; therefore, ask your Lord not to .unfetter them upon you

O people! Whosoever among you improves his character during this month, he shall" have the pass [to cross] over the Bridge (sirat) on the day when [people's] feet shall slip. Whosoever is lenient with his slaves during this month, Allah will be lenient with him in the reckoning of his [deeds on the Day of Judgement]. Whosoever checks his evil deeds during this month, Allah shall withhold His anger from him on the day he meets Him. Whosoever honours an orphan during this month, Allah shall honour him on the day he meets Him. Whosoever maintains, during this month, contact with his relations, Allah will maintain His mercy for him on the day he meets Him. Whosoever recites a verse from the Qur'an during this month, his reward will be like one who has completed the recitation of ".the Qur'an during the other months

Imam 'Ali (a.s.) said, "There are some who fast but will gain nothing from their fasting except thirst; and there are some who pray but will gain nothing from their prayer except ".tiredness

Imam as-Sadiq (a.s.) said, "When you fast, your ears, eyes, hair, skin, and

all your limbs should also fast." He also said, "Fasting is not only [abstaining] from food and drink alone. When you fast, protect your tongue from lying; lower your eye-glances from what Allah has forbidden [you to see]; do not fight with one another; do not be jealous of one another; do not backbite one another; do not abuse one another; and do not be .unjust to one another

Refrain from false accusation, lying, fighting, suspicion, backbiting, and slandering. Be those who look forward to the hereafter, and wait for your days, waiting for what Allah has promised for those who have prepared to meet Allah. You must have tranquility, sobriety, humility, servility, and submissiveness of a slave who fears his master; and be (fearful [of Allah's chastisement] as well as hopeful [in His forgiveness]."(١

General Rules

It is appropriate now to explain some rules of fasting, and append to them the specific .questions and answers concerning this important Islamic ritual

Among the acts that invalidate fasting is intentionally eating and drinking. So, if a .١٠٣ person who is fasting eats or drinks by mistake (e.g., he forgot that he was fasting) and .not intentionally, his fasting is in order and there is no penalty upon him

Among the acts that invalidate fasting of Ramdhan is intentionally staying in a state of .١٠۴ janabat until the beginning of true dawn. So if such a person intentionally remains in that state without performing major ablution (ghusl) until the beginning of the true dawn in the month

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For these and other similar ahadith in the books of hadith and in Mafatihu 'l-Jinan of -١ .'Abbas al-Qummi, p. ٢٣۵-٢٣٧

of Ramadhan, then it is obligatory upon him to refrain from the forbidden things for the remaining of the day.

As a matter of obligatory precaution one should abstain with the intention of "ma fidh) dhimma — what is expected of him".) They should also make up this fast some other day [after Ramadhan] with the intention of "ma fidh dhimma" and also incur the penalty, based on obligatory precaution. If a person is sick and cannot perform ghusl because of his sickness, he should do tayammum before true dawn; thereafter, they will be considered to be in a state of ritual purity. Thus, they will be able to fast.

١٠۵. Among the acts that invalidate fasting in the month of Ramadhan is for a woman to remain until true dawn in a state of ritual impurity caused by menstruation (hayz) or post-natal bleeding(nifas) after it had stopped and while it was possible for her to do major ablution (ghusl). So if she stays without ghusl till the beginning of true dawn, her situation will be the same as that of the person in janabat as mentioned above. If performing ghusl was not possible for her, she should take to tayammum.

١٠۶. It is preferable for the fasting person not to swallow phlegm that has reached the mouth, although it is permissible for him to swallow it. Similarly, it is permissible for him to swallow thesaliva that has gathered in the mouth, even in large quantities.

١٠٧. Discharge of semen during daytime does not

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invalidate the fast; and the person should perform ghusl for janabat for his salat. So .discharge of semen [during daytime] does not invalidate fasting

Washing the teeth with brush and toothpaste does not invalidate the fast as long as .۱۰۸ the person does not swallow the saliva that has mixed with the toothpaste. However, the lingering flavour or taste of the paste that mixes with the saliva does not affect the .fasting

If a Muslim lives in a city that has daylight for six months and night for six months [e.g., .۱۰۹ the northern part of Europe or Canada], it is obligatory for him to move during the month of Ramadhan to a city with 'normal' day and night so that he can start fasting, if not, he should move after that month to fast as qadha (making up the missed fast). However, if it is not possible for him to move, then he has to pay compensation (fidya) instead of .fasting; that means giving ۷۵۰ grams of food [rice or flour] to a poor person per day

If a Muslim lives in a city where daylight in some seasons is for ۲۳ hours and the night .۱۱۰ is only for one hour or vice versa, it is still obligatory on him to fast, if he has the ability to do so. But if he is not able to fast, the obligation is forfieted. If it is possible for him to do qadha later on [e.g., in other seasons or] by moving to

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another city, it is wajib for him to do the qadha. If he is unable even to do the qadha, it is .obligatory on him to pay fidya in lieu of fasting

Questions and Answers

Question: Some people come to a city with the intention of residing therein for some .۱۱۱ years for a specific purpose [e.g., education] During this time, they do not leave their own home-towns for good. When the specific purpose is accomplished, they leave that city and go to wherever they like. How should they do their salat and how should they fast [in [?that city

Answer: They shall pray fully; they can fast after having lived in that city for a month just .as they do in their own home-towns

Question: Is it permissible to rely on the European observatories [i.e., non-Muslim .۱۱۲ experts] for determining the timings of true dawn, sunrise, noon, and sunset for the whole year, including the month of Ramadhan, knowing well that it is scientific and very ?precise to the minutes and seconds

Answer: If one is sure of the correctness of their timings, it is permissible to act upon it. However, one should know that there are some differences in determining the true dawn especially in some of the cities in [northern] Europe [and Canada]; therefore, it is .necessary to ascertain that it is based on the proper view

Question: In some cities, the sun does not rise at all for days or does not set at all for .۱۱۳ days or even more. How should

?we pray and fast

Answer: As for salat, one should, as a matter of obligatory precaution, observe the closest place that has night and day in a twenty-four hour period, then say salat according to its timings with the intention of mutlaqa [i.e., just qurbatan ilal lah without specifying whether .[(it is ada (on time) or qadha (after time

As for fasting, it is obligatory upon you to move during the month of Ramadhan to another city where you can observe fasting of this holy month, or move to that city after that .month to perform it qadha

Question: Can a person who is fasting in the holy month of Ramadhan serve food to .۱۱۴ ?non-Muslims

.Answer: By looking at the issue on its own merit, there is no problem in it

?Question: Would use of a nozzle spray that facilitates breathing invalidate the fast .۱۱۵

Answer: If the spray that comes out of the nozzle enters the respiratory tract and not the .passage of food and drink, it does not invalidate fast

Question: Does the nutrition given, intravenously invalidate fast irrespective of . ۱۱۶ ?whether or not it was absolutely necessary for the patient

.Answer: In both the cases, it does not invalidate the fasting

Question: Does masturbating during daytime of Ramadhan invalidate the fast, . ۱۱۷ regardless of whether or not it leads to ejaculation? What is the penalty that should be incurred by one who does so? What is the ruling for a woman who engages in masturbation during daytime of Ramadhan, irrespective of whether or not it

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?leads to discharge

Answer: If a person masturbates with the intention of ejaculating and actually ejaculates, his fast is rendered invalid and he must make it up by way of qadha as well as pay the penalty(kaffara) which is fasting for two successive months or feeding sixty poor people. If he masturbates with the intention of ejaculating but does not ejaculate, he must .complete the fast with the intention of pleasing the Almighty and then do it qadha

If he masturbates without the intention of ejaculating and he does not normally ejaculate, knowing that discharge is probable and it actually happens —he has to do qadha without the penalty. However, if such a person was confident that no discharge would take place and it actually happens — no qadha is required. In all these cases, there .is no difference between a man and a woman

Question: A believer fasts but does not know that intentionally getting into state of .۱۱۸ [?janabat invalidates fasting—what should he do [when he finds out

Answer: It is obligatory on him to make up those fasts; however, there is no penalty on him as long as he was [erroneously] convinced that being in a state of janabat does not .invalidate fast or was unaware of that ruling

Question: According to some jurists, a person who intentionally invalidates his fast .۱۱۹ during the month of Ramadhan by committing a sin has to pay all three kinds of penalty [that is, fasting for sixty days, feeding sixty poor people, and emancipating

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a slave]. What should a person therefore do during our time when emancipating a slave is ?impossible since there are virtually no slaves

Answer: The penalty of emancipating a slave is waived when it is no more possible. It should, however, be clarified that in our view, it is not obligatory to pay all three kinds of penalty for invalidating a fast during Ramadhan by committing a sin. And Allah knows the .best

Question: If the new moon is sighted in the East, does it apply to us also in the West? .۱۲۰ ?And if it is sighted in America, does it apply to Europe also

Answer: If the new moon is sighted in the East, it also applies to the West as long as the latitude of the two locations are not greatly further away from one another. If the new moon is sighted in the West, it does not apply to the East unless it is proven—even by the moon staying on the first [Western] horizon for the length of time that is longer than the difference between the sunset of the two locations. [For example, if the sunset in the Eastern city was half an hour before the Western city where the moon was sighted, and the moon stays on the horizon longer than half an hour —the Eastern city can follow the [.moon sighted in the Western city

* * *

In Minhaju 's-Saliheen, it says: "The new moon is proven through the knowledge acquired by sighting or recurring

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reports etc., and through credible reports of its sighting, etc." In ruling No. ۱۰۴۴, it says: "If the new moon is sighted in a city, it is sufficient for other cities, provided they share the same horizon, in the sense that the actual sighting in the first city would necessarily be followed with the sighting in the second city if there were no barriers like clouds, fog, ".mountains, etc

:In the light of what has been quoted, the following questions arise

Question: Would the sighting of the new moon in cities in the East like Iran, Ahsa', .۱۲۱ Qatif [both in Arabia], other countries in the Gulf, Iraq, Syria, and Lebanon necessarily be followed by its sighting in Western countries like England, France and Germany if there ?were no barriers like clouds and fog

Answer: Yes, the sighting of the new moon in an area would necessarily be followed — provided there were no barriers— in places which are located to its west as long as they .are not far apart on the latitude lines

Question: If the answer to the previous question is positive, would the occurrence of .۱۲۲ the sighting of the new moon in the view of some religious scholars in Eastern countries be a sufficient evidence for one who is residing in Western countries even though the ?sighting of the new moon did not occur in those places for lack of clear skies

Answer: It will not be a sufficient evidence for him or for others. However, if the occurrence of the

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sighting from the view point of those religious scholars attracts trustworthiness in that person that the moon was actually sighted or proof was established about the sighting without any counter proof —even in the form of a ruling— that person can act on what he .believes is true

Question: During certain months, it is declared that the sighting has been proven .۱۲۳ according to some religious scholars in some Eastern countries. This is based on the testemony of those who have sighted the new moon. Such declarations are usually :coupled with the following facts

The witnesses who sighted the moon and who number around thirty, for example, .۱ are scattered in various cities such as ۲ in Isfahan, ۳ in Qum, ۲ in Yazd, ۴ in Kuwait, ۵ in .Bahrain, ۲ in Ahsa', and ۶ in Syria, etc

The sky was clear in a number of cities in the West, and the believers went out in the .۲ .attempt to sight the moon; and there was nothing preventing the sighting

The observatories in England announced that it was impossible to sight the new moon .۳ that evening in England except by using a telescope; and that its sighting with the naked eye would be possible only in the following night. So, what is the ruling in such a case? .Please guide us, may Allah reward you

Answer: The criterion is the satisfaction of the individual himself [۱] about the actual sighting [of the new moon] or [۲] the proof of sighting without

.any counter claim

In the case mentioned above, satisfaction is not normally achieved concerning the appearance of the new moon on the horizon in such a way that it could have been sighted by the naked eye. On the contrary, one is satisfied that it was not sighted and that the testimony [of sightings in the Eastern cities] is based on illusion and error in sight. And .Allah knows the best

Hajj: The pilgrimage to Mecca

Introduction

The pilgrimage to Mecca (hajj) is one of the fundmental obligations in Islamic laws. The :holy Qur'an has clearly mentioned this obligation. Almighty Allah says in His holy Book

And it is for the sake of Allah [a duty] upon the people to do the pilgrimage of the House—" whosoever has the ability [to travel] to it. And whosoever is ungrateful, then surely Allah is (free from need of the universe." (۲:۱۹۶

The Almighty has compared the negligence of hajj to ingratitude because of its .importance

Hajj is one of the five pillars on which Islam is based. In a noble hadith, Imam al-Baqir (a.s.) said, "Islam is based on five pillars: on prayer (salat), alms (zakat), pilgrimage (hajj), (fasting (sawm), and devotion [to the Ahlul Bayt] (wilaya)."(۱

Imam 'Ali bin Abi Talib (a.s.) advised about hajj by saying, "Do not neglect the pilgrimage to the House of your Lord; otherwise you will perish."(۲) Imam as-Sadiq (a.s.) said, "If the people neglect the pilgrimage to the House, the chastisement will overwhelm them and (they would not be warned [about it]."(۳

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.Tafsilu Wasa'ili 'sh-Shi'a, vol. ۱, p. ۲۰ -۱

.Ibid, vol. ۱۱, p. ۲۳ -۲

.Ibid, p. ۲۲ -۳

This is so because neglecting hajj while the person is in a position to fulfill all its conditions is a great sin. A hadith says, "When a person is capable of doing the pilgrimage but does not do it, he has indeed flouted a law from the laws of Islam."(١) Another noble hadith says, "One who keeps postponing hajj until he dies, Allah will resurrect him on the Day of Judgement as a Jew or a Christian."(٢)

General Rules

١٢۴. When a Muslim becomes capable, hajj becomes obligatory upon him. By "capability" we mean the following:

a. Availability of enough time to travel to the holy places and stay there for performing the obligatory rites.

b. Physical health and strength, observing to travel to the holy places, and staying there for the obligatory rituals.

c. The road through which one has to pass for performing the rituals be open and secure, in the sense that it does not place the life or property or honour of the pilgrim in undue danger.

d. Financial ability: One should be able to get whatever is necessary for the pilgrim in his journey; e.g., food, drink, clothes, including the means of transportation according to his status by which he can cover the distance for hajj.

e. The financial position of the person should be such that by travelling for hajj or by spending from his wealth for it, he would not be putting himself and his dependents in need and poverty.

١٢۵. Hajj Tamattu': This is a kind of pilgrimage that is obligatory

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١- Ibid, p. ٢٨.

٢- Shaykh as-Sadûq, Muhammad bin 'Ali Ibn Babwayh, Man La Yahdhuruhu 'l-Faqih, vol. ۴, p. ٢۶۶.

upon those who live in other countries i.e. far away from Mecca. Hajj Tamattu‘ consists of .two rituals: the first is known as‘umrah, and the second hajj

‘:In ‘umrah, five things are obligatory .١٢۶

a. (a) Putting on the pilgrim’s dress (ihram) from one of the miqats. Mawaqit (plural of miqat) are locations [around the holy territory of Mecca] that shari‘a has specifically fixed .for putting on the ihram

.b. Circumambulating (tawaf) around the Ka‘ba seven times

.c. The salat of tawaf

.d. Sa‘i (i.e., brisk walking) between the hills of Safa and Marwa seven times

.e. Taqsir: cutting off a little bit of your hair or cutting the nail

:The obligatory acts of hajj tamattu‘ are thirteen as follows .١٢٧

.a. Putting on the ihram from Mecca

.b. Staying in ‘Arafat on the ٩th of Dhu ’l-Hijja

.c. Staying a part of the night (eve of ١٠th Dhu ’l-Hijja) until sunrise in Muzdalifa

.(d. Stoning the smaller pillar in Mina on the day of ‘Eid (i.e., ١٠th of Dhu ’l-Hijja

e. Sacrificing an animal in Mina on the day of ‘Eid or during the days of tashriq [i.e., ١١th to .[١٣th of Dhu ’l-Hijja

f. Shaving one’s head or doing taqsir in Mina. By doing this, the pilgrim is free from the restrictions of ihram, except the use of perfume and sexual contact with women. Based .on obligatory precaution, the restriction of hunting continues even after shaving or taqsir

.g. Tawaf of Ziyarat seven times after returning to Mecca

.h. Salat of Tawaf

i. Sa‘i between Safa and Marwa seven

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.times. With this, the restriction of using perfume is also lifted

.j. Tawaf of Nisa' seven times

.k. Salat of Tawat of Nisa'. With this, sexual contact with women becomes permissible

l. Staying during over night in Mina on the eve of ١١th and ١٢th Dhu 'l-hijja. And also, under .some circumstance, the eve of ١٣th Dhu 'l-hijja

m. Stoning the three pillars in Mina on the ١١th and the ١٢th of Dhu 'l-hijja. And also, under .some circumstance, on the day of ١٣th Dhu 'l-hijja

Questions and Answers

Question: Is it permissible to put on the ihram for hajj from the city of Jeddah? If it is .١٢٨ ?not permissible, what should one do since the plane lands in Jeddah

Answer: Jeddah is neither a miqat nor parallel to any of the miqats; therefore, it is not in order to put on the ihram from there for 'umrah or hajj. However, if one knows that between Jeddah and the Haram [the holy territory around Mecca], there is a place which is parallel to one of the miqats —this is not improbable, if one looks for a parallel of Juhfah — he can put on the ihram from there by offering nadhr. [Nadhr means making a vow in [.the name of Allah that he will put on the ihram from place x

Question: While shaving the head in Mina, if the pilgrim's head is injured and blood .١٢٩ flows out, what should he do in that case? And what are the implications [as far as penalty [?is concerned

Answer: If the injury

.was not intentional, there is nothing upon him

Question: It is recommended to perform hajj every year. However, there are many .۱۳۰ poor Muslims who are in dire need of food and clothing in various Muslim countries. If it comes to making a choice between spending the money for hajj repeatedly or ziyarat (pilgrimage to the shrine of one of the Infallibles [a.s.]) and between giving in charity for ?those believers—which is more meritorious

Answer: In principle, helping those needy Muslims is better than a recommended hajj or ziyarat of the holy shrines. However, at times the hajj or the ziyarat is associated with .certain other issues that can elevate them to the same or even higher status of virtue

Question: The Kingdom of Saudi Arabia assigns the places for pilgrims in 'Arafat and .۱۳۱ Mina. We do not know whether or not those appointed places are within the boundaries ?required by the shari'a? Are we obliged to inquire and ask about the matter

Answer: If it is within the known boundaries and the signs that are normally known for .religious rites from generation to generation, it is not necessary to inquire about it

Question: It has been said that some parts or the entire area of slaughtering in Mina is .۱۳۲ outside the boundary. Is it therefore obligatory upon us to ascertains the fact before the slaughtering? Knowing that ascertaining about one area and then going towards the ,other and again ascertaining about it is a difficult task, especially on the day of Eid

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?as you yourself know, where the time is also a factor. So what is the solution

Answer: It is obligatory to ascertain in order to do the slaughtering inside Mina. If it is not possible because of overcrowding in Mina, it is permissible to do it in the valley of Muhassar. Moreover, the timing of slaughtering is not restricted to the day of Eid; it can .[be done till the last day of the days of tashriq [i.e., till the ۱۳th of Dhu 'l-Hijja

Question: Pilgrims are faced with one more problem regarding slaughtering, which .۱۳۳ poses more of a mental anguish: the animals slaughtered [in Mina] are wasted in spite of the fact that there are many poor people amongst us spread all over the Muslim countries who go without tasting meat for days! So is it acceptable for us to do the slaughtering in ?our own cities; or is there a religious solution that you can suggest for the people

Answer: It is necessary to fulfill the religious duty by doing the slaughtering in Mina. As for the sin of wasting the meat of the animals slaughtered, if it actually happens, it is on the .shoulders of the authorities in charge

Question: If the exam schedule for a student conflicts with the timing of the hajj, is it .۱۳۴ permissible for him to postpone the hajj that year especially if the exam was very ?important for him

Answer: If he is sure that he will be able to perform hajj in the following

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year, it is permissible for him to postpone it; otherwise, it is not permissible. However, if postponing the exam will cause difficulty to such an extent that it is normally unbearable, .it is not obligatory on him to perform hajj that year

Question: A person on whom hajj had become obligatory but he has not yet fulfilled it .١٣٥ —is such a person allowed to go for ‘umrah in the month of Rajab? What if hajj became [?obligatory on him in Ramadhan, can he go for ‘umrah [before performing hajj

Answer: The ‘umrah mufrada (minor pilgrimage done off-season) is permissible for him. However, if going to ‘umrah would financially prevent him from going for hajj, then it is .not permissible for him to do ‘umrah

Question: A single young man has become capable to perform hajj; he is also thinking .١٣۶ about marriage. Now if he goes for hajj, his marriage ceremony will be delayed for a [?while. Which of the two is preferable [marriage or pilgrimage

Answer: He should perform the hajj and postpone the marriage unless postponing the marriage entails difficulty to the extent that it becomes unbearable. And Allah knows the .best

Death related issues

Introduction

:Almighty Allah says in the Qur’an

Every person is going to taste death, and you shall only be paid fully your reward on the" resurrection day; then whoever is removed far away from the fire and is made to enter the garden, he indeed has attained the object; and the life of this world is nothing but a provision

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.(of vanities.” (٣:١٨۵

,He also said

And no one knows what he shall earn on the morrow; and no one knows in what land he” .(shall die; surely Allah is Knowing, Aware.” (٣١:٣۴

General Rules

Here are some rules in brief concerning the dying person, washing of the corpse and its (shrouding, and burial procedure.(١

Before Death

١٣٧. It’s a matter of obligatory precaution that one should move the dying person in the direction of the qiblah during the last moments of his life. This is to be done by placing him on his back with his feet pointing towards the qiblah as though if he sits up, his face would .be facing in that direction

It is recommended to read and ask the dying person to repeat the testament of belief (shahada) concerning the Oneness of God and the faith in Prophet Muhammad (s.a.w.) .(.and the Imams (a.s

١٣٨. It is recommended to close the eyes of the dead person, their mouth, stretch their arms along their sides, straighten their legs, cover the body with a sheet of cloth, recite the Qur’an, and light up the room in which they lived. It is disliked to leave the corpse .alone

Ablution (Ghusl) for the Corpse

١٣٩. After getting rid of the impure (najis) elements that are on the body of the dead :person (e.g., blood, semen, etc.), the corpse has to be given three ablutions as follows

(a. First wash it with sidr water. That is, water to which a little of sidr has been added.(٢

.b. The second wash is with camphour water

For further details, see Sayyid as-Sistani, Minhaju 's-Saliheen, vol. ۱, p. ۹۵ ff.; as-Sistani, -۱ .al-Masa'ilu 'l-Muntakhaba, p. ۵۰ ff

Translator's Note: Sidr is name of a lotus tree; "sidr water" means the water to which -۲ .sidr leaves have been added

.That is, water to which a little bit of camphour has been added

.c. The third wash is with pure water

If sidr is not available, then it is precautionarily obligatory to wash the corpse with pure water instead. Similarly, if camphour is not available, it is precautionarily obligatory to wash it with pure water instead. Then it should be washed the third time with pure water. In such a case, after the three washings, one tayammum should be performed on the .corpse

It is necessary that the ablution given to the corpse be of the tartibi kind: that is, the .۱۴۰ body should be washed in proper sequence with the head and the neck first, then the .right side of the body, and then the left side

The person washing the corpse must be of the same gender as the dead person. So, a .۱۴۱ male should wash a male corpse, and a female should wash a female corpse. However, husband and wife are allowed to perform ablution to one another; although it is better .that the washing be done with the body covered with a sheet of cloth

If a person of the same gender is not available, then, based on obligatory precaution, those of the opposite gender who are mahram to the deceased can perform it. Mahram means those relations with whom marriage is forbidden because of blood relationship or nursing (suckling) relationship or marriage, like brother and sister [or son-in-law and mother-in-law]. However, it is better that the washing be

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done with the body covered with a sheet of cloth. Unity of gender is not required when giving ablution to a corpse of a child that had not reached the age of discerning the right (and wrong.(۱

Based on obligatory precaution, the person performing ablution must be a mu'min. If .۱۴۲ neither a mu'min of the same gender as the deceased is available nor a mahram [even of the opposite gender], it is permissible that a Muslim of the same gender can wash the .deceased

If even a Muslim is not available, then the deceased can be washed by an Ahlul Kitab .۱۴۳ person [that is, a Jew, a Christian or a Zoroastrian] of the same gender with the condition that the person should first wash himself and then perform ablution to the corpse. If even an Ahlul Kitab person of the same gender is not available, the duty of performing ablution .to the corpse is lifted, and the deceased should be buried without it

Tahnit and Shrouding

After giving the ablution, it is wajib to do tahnit. Tahnit means to rub camphour .۱۴۴ powder (which has maintained its fragrance) on the seven parts of the body that touch the ground in a posture of sajdah: the forehead, the palms, the knees, and feet toes. It is .preferable to start tahnit with the forehead and end with the palms

:After tahnit, the deceased has to be shrouded in three pieces of cloth as follows .۱۴۵

a. The mi'zar: a piece of cloth [like an apron] that must

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Translator's Note: The age of discerning right and wrong (tamyiz) is different from the -۱ age of maturity (bulûgh). The latter is ۹ for girls and ۱۵ for boys but the former could be at .five or six

.cover the body between the navel and the knees, based on obligatory precaution

b. The qamis: a piece of cloth [like a shirt] that must cover the body from the shoulders .to mid shank, based on obligatory precaution

c. The izar: a large sheet of cloth that must cover the entire body. Based on obligatory precaution, it must be long and wide enough so that the top and the bottom parts could .be tied [with a string], and the front parts overlap

The Prayer

It is obligatory to say prayer over a deceased Muslim's body of six years and over. .١۴۶ Based on obligatory precaution, prayer should also be said over the body of a child who .could do thesalat even if he or she had not yet reached the age of six

:The way to conduct prayer on the deceased .١۴٧

The person praying should recite five takbirs (say "Allahu Akbar"). However, it is :preferable that after each takbir he says the following

After the first takbir, he should say the shahadatayn (declaration of faith in God and .(Prophet Muhammad

After the second takbir, he should say the salawat on Prophet Muhammad (s.a.w.) and his .(.progeny (a.s

.After the third takbir, he should say a prayer for the believing men and women

.After the fourth takbir, he should say a prayer for the deceased

.He should say the fifth takbir and end the salat

Burial

It is necessary to bury the deceased after the salat. Burial is intended to protect the .١۴٨ body from wild animals and its smell is contained

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within so that no one is annoyed by it. The body should be placed on its right side with the .face towards the qiblah

It is not permissible to bury a deceased Muslim in the graveyard of non-Muslims, .١۴٩ except if a section of that graveyard is specifically reserved for Muslims. Similarly, no non-.Muslim can be buried in the graveyard of Muslims

When it is neither possible to get a grave for a deceased Muslim in the graveyard of .١۵٠ Muslims, nor transfer the body to a Muslim country for burial in a Muslim graveyard, that '.deceased Muslim may be buried in the graveyard of non-Muslims

It has been narrated from the Prophet (s.a.w.) that he said, "No time comes upon the .١۵١ dead person more difficult than the first night [of burial]. Therefore have mercy on your dead ones by giving charity [on their behalf]. If one does not have anything [to give in charity], one of you should pray two rak'ah for them: in the first rak'ah, after al-Hamd, recite Ayatu 'l-kursi; and in the second rak'ah, after al-Hamd, recite surah al-Qadr ten times. After salam, say: 'Allah humma salli 'ala Muhammadin wa Ali Muhammad, wab'ath (thawabaha ila qabri fulan;'(١)and name the deceased person [instead of fulan]."(٢

Question and Answers

Question: In some non-Muslim countries, the corpse is placed in a coffin and then .١۵٢ ?buried in the grave. What is our duty in such a situation

Answer: There is no problem in placing the corpse in a coffin when burying him in the ,ground. However

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O Allah, send Your blessings upon Muhammad and the Family of Muhammad, and -"١ ."send the reward of this prayer to the grave of x

.Sayyid as-Sistani, al-Masa'ilu 'l-Muntakhaba, p. ۶٣ -٢

the religious requirements of burial must be fulfilled; and one of those requirements is .that the corpse be placed on its right side with the face towards the qiblah

Question: A Muslim died in a non-Muslim city that has no Muslim graveyard; and .١٥٣ although it is possible to transfer the body to a Muslim country for burial but the cost of transportation is exorbitant—is this a sufficient [reason] for burying the body in the ?graveyard of non-Muslims

.[Answer: This is not a sufficient [reason

Question: A Muslim dies in a non-Muslim city that has no Muslim graveyard and the .١٥۴ family of the deceased cannot transfer the body to a Muslim country because it cannot afford the cost of transportation. In such cases, is it obligatory upon the Islamic centers that are responsible for Muslims' affairs to provide the cost of transportation? And is this ?obligatory upon the Muslims who reside in that city

Answer: If burying the deceased in an appropriate grave in that same city or other city (excluding non-Muslim graveyards) depends on spending some money, and neither has he left any estate that can pay for it nor are the heirs capable of providing for it—then it is wajib kifa'i upon the Muslims to provide for it. And it is permissible to count it from the .religious or charitable dues applicable to him

Question: When there is no heir for a deceased Muslim person in the foreign land, .١۵۵ ?who should take charge of his burial

Answer: If it is not possible

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to contact his heir and ask his consent in handling the burial procedures, the requirement of consent is lifted and it becomes obligatory, on basis of wajib kifa'i,on the Muslims to .handle the burial

Question: From where should the expenses of transportation to a Muslim country and .۱۵۶ burial come, if it is not possible to bury a Muslim in the city in which he died because there is no Muslim graveyard? Should these expenses come from the estate of the deceased before dividing it amongst the heirs? Or from the one-third [of the estate] if he has ?specified that? Or from other sources

Answer: The expenses of burying a dead body in a place appropriate for it comes from the estate [before its distribution among the heirs] if he did not make a will specifying that it be taken from the one-third. Otherwise [if he made a will regarding the one-third], it .should come out of it

Question: The Muslim communities in non-Muslim countries are increasing day by . ۱۵۷ day. Knowing the fact that a deceased Muslim will one day be buried in the graveyard of non-Muslims either because of lack of funds available to the family to send the dead body to Muslim countries for burial or because of negligence; so, is it obligatory, as a matter of ?wajib kifa'i, upon the capable Muslims to buy a graveyard for the Muslims

Answer: Burying a deceased Muslim in a place appropriate to his status (other than non-Muslim graveyards) is an obligation of the

heir just like other obligatory deeds connected with the burial procedures. And if the deceased has no heir or the heir is refusing to fulfill his duty or is not capable, it is obligatory, on the basis of kifa'i, upon other Muslims [to bury the deceased in an appropriate place]. And if fulfilling this wajib kifa'i duty depends on acquiring a piece of land in advance by purchase or other means, it is obligatory to try and acquire it in .advance

Question: What is preferable: burying a dead Muslim in an Islamic cemetery in a non- .١٥٨ Muslim city in which he died or transferring the dead body to a Muslim city which entails ?exorbitant expenses

Answer: It is preferable to transfer the dead to any holy shrines or other recommended places if there is a donor who can bear the expenses —from the heirs or others— or if the one-third of his estate which he has endowed for religious charity, would suffice for that .purpose. And Allah knows the best

Question: If transferring a deceased Muslim to Muslim countries entails great . ١٥٩ difficulty, is it permissible to bury the body in cemeteries of non-Muslims from among the [?followers of the revealed religions [that is, Ahlul Kitab

Answer: It is not permissible to bury a Muslim in cemeteries of non-Muslims, except if that .is the only choice because necessity knows no laws

Eating Drinking

Introduction

Muslims [in predominantly Muslims countries] normally live in their own homes, villages ,and cities, in the midst of their families and relations

eating variety of foods and drinking different drinks that they desire; They are familiar with the ingredients of these foods and know that they are free from all that their religion has forbidden, their faith has rejected, and their rich Islamic values have kept distance .from

However, when they migrate to foreign countries to reside in the midst of non-Muslim communities, they are faced with problems in eating and drinking because they don't find foods that are familiar and desirable to them, nor are their ingredients known to them. This is so because the host community is not Islamic; it has it own values, customs and habits which naturally do not abide by the laws of Islam. So, when a Muslim desires to eat any food in a restaurant [in a non-Muslim country], he is faced with the problem of .whether or not the food is permissible and pure

General Rules

Since the followers of the past revealed religions (that is, the Jews, the Christians and .۱۶۰ the Zoroastrians) are ritually pure, many of the problems concerning the status and permissibility of the food are resolved when we live in their midst. It becomes permissible for us as Muslims to eat from their food no matter whether they touched it with their wet hands or not as long as we do not know or are not sure that it consists of what is forbidden to us, like intoxicating drinks. As for meat, fat and their extracts, there are specific rules that will be discussed

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.later on

A Muslim is allowed to eat the food prepared by a non-Muslim who is not from Ahlul .۱۶۱ Kitab [for example, a Hindu or a Buddhist], provided that he does not know or is not sure that the non-Muslim touched the food with wetness; and provided that he does not know or is not sure that the food consists of what is forbidden to him like intoxicating drinks. As .for meat, fat and their extracts, there are specific rules that will come later on

A Muslim is allowed to eat any food made by a person whose faith and religion is not .۱۶۲ known to him, no matter whether that person touched it with wetness or did not touch it, provided that he does not know or is not sure that the food consists of what is forbidden .to him. As for meat, fat, and their extracts, there are specific rules that will come later on

It is not necessary for the Muslim to question the person who prepared the food about his beliefs or disbeliefs, or whether or not he had touched the food, even if that inquiry is very .convenient and natural for one who wants to ask

In short, all kinds of food with the exception of meat, fat, and their extracts are permissible for a Muslim, even if he doubts that it might contain something which is forbidden for him to eat or doubts that its cook —whosoever he may be— had touched it with wetness. (See the

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(.question–answer section below

Just as it is not obligatory on him to inquire about the ingredients of such food to .۱۶۳ ensure that it is free from what is forbidden to him, it is not obligatory on him to ask the .cook whether he touched it while preparing the food or after it

All kinds of packed food with the exception of meat, fat and their extracts, are .۱۶۴ permissible for a Muslim, even if he doubts that its ingredients might contain what is forbidden for him or even if he doubts that the cook —whosoever he may be— had touched it with wetness. It is not obligatory on him to inquire about its ingredients to .ensure that it does not contain anything that is forbidden to him

A Muslim is allowed to buy all kinds of halal meat from a Muslim shopkeeper who sells .۱۶۵ it to Muslims. Such meat would be considered halal even if the vendor belongs to a school of thought which have different conditions for slaughtering from ours as long as there is a possibility that the animal was slaughtered in accordance with our conditions. This latter statement applies to all conditions except the one that says that the animal's belly should be facing the qiblah at the time of slaughter. Not observing the condition of qiblah because the slaughterer's school of thought does not consider it a necessity will not .[detract from [the permissibility of the meat

If a Muslim knows and is sure that this meat .۱۶۶

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is from an animal which is permissible for Muslims to eat (like cow, sheep or chicken) but that it is not slaughtered in accordance with Islamic laws, that meat is to be considered .mayta

Mayta is not permissible for a Muslim to eat even if its seller is a Muslim. Similarly, such meat is impure (najis) and would make other things impure, if it comes into wet contact .with it

If a Muslim buys or receives meat from a non-Muslim, or from a Muslim who got it .١۶٧ from a non-Muslim and did not inquire about its slaughtering according to Islamic laws, such meat isharam for him. But if the Muslim does not know that the animal was not slaughtered according to Islamic laws, it would not be considered najis, although it is still .haram

Some experts say that by letting out the blood by way of slaughtering, the meat of the .١۶٨ animal becomes healthier for the consumer than an animal that was not slaughtered. And so you should not be surprised to see some non-Muslims buying the meat that had been .slaughtered according to Islamic laws from halal meat stores

In order for fish to become permissible for a Muslim, it must have the following .١۶٩ :conditions

[.a. The fish must have scales on it. [That is, it should not be a skin fish

b. The Muslim should be certain or satisfied that the fish has come out of the water alive .or that it died while it was already in the fishing net

It

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is not necessary for the fisherman to be a Muslim or to utter the name of Allah for the fish to become halal. So, if a non-Muslim catches a fish and brings it alive from the water or it dies after getting caught in his fishing net or fishing line, and it has scales on it, it is .permissible to eat

A Muslim can ascertain the first condition by examining the fish if it is being displayed or by observing its name [which can tell you whether it is a skin fish or a scale fish] as long as you can trust the authenticity of the label. A list of scale fish has been appended at the .end of this book

The second condition is fulfilled in almost all the countries, as they say, because the universal method in fishing ensures that the fish comes out of the water alive or they die after they are caught in the fishing net. Based on this, it is permissible to eat the fish that one gets from a non-Muslim just as one gets from a Muslim, irrespective of whether it is (.canned or uncanned. (See the question-answer section below

It is permissible to eat shrimps, if they are brought out of the water alive. It is .١٧٠ forbidden to eat frogs, lobsters, turtles, every amphibious animal, snails, and crayfish. (.(See the question-answer section below

The law concerning eggs of fish follows the fish itself: the eggs of a halal fish are .١٧١ permissible to eat and

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.those of a haram one are forbidden

Some experts of fisheries say that scaleless fish mostly feed upon the waste of the .۱۷۲ .sea and are in a way purifier of the filth, the squalor and the garbage of the sea

It is forbidden to drink wine, beer, and everything that causes intoxication or .۱۷۳ :drunkenness in solid or liquid form. Almighty Allah says in the Qur'an

O you who believe! Intoxicants and games of chance and (sacrificing to) stones set up" and (dividing by) arrows are only an uncleanness, the Shatan's work; shun it therefore (that you may be successful." (۵:۹۰-۹۱

Our noble Prophet Muhammad (s.a.w.) said, "One who drinks intoxicants after Allah .۱۷۴ has made them haram by my statement is not worthy of marriage [to your daughter] if he proposes to her, or of intercession when he asks for a good word, or of any credibility (when he speaks, or of being entrusted with anything."(۱

In another hadith, he says, "Allah has accursed alcohol, its growers, those who squeeze it [from the grapes], its drinkers, its servers, its buyers, its sellers, those who live on its income, its transporter, and the one to whom it is being transported."(۲) There are many (more ahadith you will find in books of hadith and jurisprudence.(۳

It is haram to eat at the table on which alcohol or any other intoxicants are being .۱۷۵ consumed. Based on obligatory precaution, it is haram to even sit at such a table. (See the (.question-answer section below

It is .۱۷۶

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.Al-Kulayni, Muhammad bin Ya'qûb, Furû'u 'l-Kafi, vol. ۶, p. ۳۹۶ -۱

.As-Sadûq, Man La Yahdhurhu 'l-Faqih, vol. ۴, p. ۴ -۲

.See Furû'u 'l-Kafi, vol. ۶, p. ۳۹۶ -۳

permissible for a Muslim to go to places where wine is being served with the food, provided that it does not lead to promotion of those restaurants. However, he cannot eat from the table on which wine is being consumed and should not, based on obligatory precaution, sit at that table. There is no problem though, in sitting at a table near the table .on which wine is being consumed

It has been mentioned in Chapter Three, Part One that all kinds of alcohol whether .۱۷۷ derived from wood or other sources are pure (tahir). Therefore, the food in whose preparation alcohol was used is tahir; the liquids in which it has been dissolved are also (.tahir. (See the question-answer section below

It is haram to use anything that causes serious harm to the human being like taking .۱۷۸ poison. It is also haram for a pregnant woman to drink something that would cause miscarriage. Similarly, anything that is known to be harmful or supposed to be harmful or has the probability of harm [is also haram], if that probability is considerable in the views of sensible people and that harm is serious enough to cause death or to disable a limb of .the body

There is certain etiquette to be observed at the dining table. Starting with the name of .۱۷۹ Allah; eating with the right hand; making small morsels; sitting longer at the table; chewing the food well; thanking Allah after the food; washing the fruits and vegetables ;before eating

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not eating after satisfying the appetite; not over eating; not looking at the faces of others while eating; not taking away the food from others who are sitting at the table; and .tasting the salt at the beginning and the end of the dinner

Questions and Answers

Question: On the package of meat that is produced in Muslim countries by non- . ۱۸۰ Muslim companies, it says, "Slaughtered according to Islamic laws". Are we allowed to eat that meat? Can we eat that meat, if it comes from Muslim companies in non-Muslim countries? And what is the ruling, if the source is non-Muslim company from a non-Muslim ?country

Answer: The writing [on the package] has no value at all. If the producer is a Muslim or it was produced in a place where Muslims are in the majority and it is not known that the .producer is a non-Muslim, then it is permissible to eat it

But if the producer is a non-Muslim or it was produced in a place where Muslims are not in the majority and it is not known that the producer is Muslim, then it is not permissible to .eat it

Question: We enter some super markets in Europe and find meat in tin containers . ۱۸۱ produced by a European company with the writing on the package that conveys the sense of it being "halal" or "slaughtered according to Islamic laws". Is it permissible to buy ?and eat such meat

Answer: The writing [on the package] has no value if it does not lead to certainty

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.[that it is actually halal]

Question: Meat companies slaughter a large number of chickens at one time [that is, .۱۸۲ simultaneously]. Now if the person running the slaughtering machine is a Muslim, who says takbir and says the name of Allah only once at the time of slaughtering all the chicken [simultaneously], is it permissible for us to eat those chickens? If we have doubt about these chickens being halal, can we [ignore that doubt and] eat them and consider (?them pure (tahir

Answer: If he repeats the name of Allah as long as the machine is continuing to slaughter, it is sufficient. In the event of doubt about its being halal (a doubt which arises concerning .the mentioning of the name of Allah), it can be considered pure and be consumed

Question: Is it permissible to buy meat thinking that it is slaughtered according to .۱۸۳ ?Islamic laws from a super-market owned by a Muslim who [also] sells alcoholic drinks

Answer: Yes, it is permissible; and it is halal to eat, even if it previously came from a non-Muslim as long as there is a likelihood that the shopkeeper has ascertained that it was .slaughtered according to the shari'a laws; but not if there is no such likelihood

Question: Some of the cheese manufactured in non-Muslim countries contains rennet .۱۸۴ extracted from the calf or other animals. We do not know whether the rennet was taken from the animal that was slaughtered according to Islamic laws; neither do we know that it has transformed

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?into something else. So is it permissible to eat such cheese

.Answer: There is no problem in eating such cheese

Question: Gelatin is used in a number of drinks and food items in the West. We do not .۱۸۵ know that gelatin has been extracted from a vegetable or an animal source; and that if it is from an animal, is it from its bones or from the tissues around the bones; neither do we know if the animal was one that is halal for us or haram. Are we allowed to eat such ?gelatin

Answer: It is permissible to eat if the doubt is whether it has been extracted from an animal or vegetable. But, if it is known that it was derived from an animal, then it is not permissible to eat without ascertaining that the animal was slaughtered according to shari'a. This prohibition applies, as a matter of obligatory precaution, even if it was .extracted from animal bones

Of course, if a chemical change occurs in the original ingredients during the process of .۱۸۶ manufacturing the gelatin, there is no problem at all in eating it. Similarly, even if one has doubt whether the animal was slaughtered Islamically or not, still there is no problem in adding the gelatin [made from that animal] to the food in such a minute amont that it is .completely absorbed in it

Question: Commercial fishing vessels place their huge nets [in the sea] and catch tons .۱۸۷ of fish which are then sold in the

markets. It is well known that modern methods of fishing are based on catching the fish alive, and that the fishermen throw the dead fish back into the water for fear of .contamination

Therefore, is it permissible for us to buy such fish in the markets of non-Muslims? Is it permissible for us to buy such fish from Muslims who are not considerate of religious laws? In both the cases to ascertain that this particular fish in front of me was taken out of the water alive, should seek the advice of an expert and reliable witness to testify to .that fact which may prove difficult, impractical, and unrealistic

So, is there a solution for practicing Muslims who face difficulty in ascertaining whether or ?not the meat of chicken, cow or sheep is halal, and therefore take to eating fish instead

Answer: There is no problem in buying it from Muslims or non-Muslims; as there is no problem in eating it, if they are satisfied that the fish was caught by the method .mentioned above and that it belongs to the category of scale fish

Question: At times we find the name or picture of fish on the cans and come to know .۱۸۸ that the fish is a scale fish. So, is it permissible for us to rely on the name or the picture in determining the category of fish, knowing well that a wrong statement of this kind would put the manufacturers in great loss or even more serious [situation] than

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?just a loss

.Answer: If one is satisfied it is the truth, it is permissible to act upon it

Question: Is it permissible to eat lobster, in all its varieties, by following the pattern of .۱۸۹ ?shrimp

.Answer: It is not permissible to eat lobster

Question: Is it permissible to buy a fish from a Muslim who is not a Shi'a while we have .۱۹۰ ?no knowledge whether it is from the category of scale fish or not

Answer: It is permissible to buy it but one cannot eat it unless he makes sure that it is .from the category of scale fish

Question: Is it permissible to eat halal food which has been steam cooked with the .۱۹۱ ?steam of meat not slaughtered according to Islamic laws

Answer: It is not permissible since the food, as mentioned in the question, will be considered impure (najis) because of coming into contact with the wet parts from the .steam of the impure meat

Question: If wine is served at a table, it is haram for a Muslim to sit at that table. What .۱۹۲ is meant by "table"? Does this apply to the entire group [that has gone to the restaurant and some are being served alcohol] even if the tables are more than one? Or does it only apply to one table [and not the group], in the sense that if there are two separate tables, it would be permissible to sit [at the table on which alcohol is not being served, even if they are part of

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[?the same company

Answer: The criterion is one table. However, one should know that the prohibition of sitting at a table on which wine or intoxicant drinks are being served is based on precaution; of course, eating and drinking at that table is haram based on obligatory .precaution

Question: A Muslim enters a café and sits down at a table to drink tea, then a stranger .۱۹۳ comes at the same table to drink wine. Is it obligatory upon the Muslim to stop drinking ?tea and leave

.Answer: Yes, as mentioned earlier, it is obligatory to move away from that table

?Question: Is it permissible to drink beer that says "alcohol free" on it .۱۹۴

Answer: It is not permissible to drink, if "beer" means the drink made from barley that causes mild drunkenness. But if it means a drink made from barley that does not cause .mild drunkenness, there is no problem in it

Question: Alcohol is used in the production of many drugs and medications: Is it . ۱۹۵ (?permissible to take them? Are they considered pure (tahir

Answer: They are pure; and since the alcohol used in them is so minute that it dissolves in .them, it is therefore permissible to take them also

Question: There is this vinegar that is made from wine, in the sense that it was wine .۱۹۶ and then, through a manufacturing process, changed into vinegar. Therefore, the label on the bottle reads: "wine vinegar" as opposed to the vinegar made from barley or other items. One of the signs [of

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differentiating between “wine vinegar” and the wine itself is that] the bottles of this vinegar are displayed in the area of vinegar, and it has never happened that these bottles are placed on the shelves of wines. Moreover, there is no difference between such vinegar and the vinegar made from dates for example. So, can this wine which has turned (?into vinegar be considered vinegar under the rule of change (istihalah

Answer: If the name “vinegar” can be applied in the view of common people upon that product, as has been assumed in the question, the same rule governing vinegar would [.apply to it. [That is, it is pure as well as permissible

Question: The manufacturers of food and sweets as well as of the food packed in .۱۹۷ cans are required to mention the ingredients of the items being sold. To prevent the food from going bad, manufacturers add preservatives to them; these preservatives could be from animal source and are listed by alphabetical codes like “E” alongside a number like “E ?۴۵۰” or “E ۴۷۲,” etc. What is the ruling in the following situations

?a. When one does not know the origin of these preservatives

b. If one sees a list issued by those who have no idea of the rule of chemical transformation (istihalah: a purifying agent) that says that the items described by so and ?so alphabet and/or number are forbidden because they come from animal source

c. When one does preliminary research and is satisfied that the

preservative agent does not retain its original form but transforms in characteristics and ?changes into another substance

:Answer

.a. It is permissible to eat the food containing those preservatives

b. If it is not ascertained that it is from an animal source —even if such a claim is made — it is permissible to eat it. Similarly, [it is permissible] if it is ascertained that [it is from an animal source] but one is uncertain whether it comes from an impure mayta and that its amount mixed in the food stuff is so minute that it is completely absorbed in it in the view .of common people

c. There is no problem in applying the rule of purity and permissibility whenever the chemical change is proved in the form that it transforms into another substance and in .the view of common people nothing of the original substance remains

:Question: It is requested of you to answer the following two questions .١٩٨

(?a. In itself is gelatin considered pure (tahir

b. If we have doubt whether or not istihala (chemical change) has occurred [in the process of manufacturing the gelatin] because of uncertainty about the concept and the extent of applying the rule of istihala, do we extend the previous knowledge (istishab) ?that gelatin is still impure

:Answer

a. As for the gelatin derived from animal source, if the impurity of the origin is not established (for example, if there is a probability that the animal was slaughtered according to Islamic laws), it will be

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considered pure; however, it should not be added to the food, except in such amounts that it would be completely absorbed. [That is, it is pure (tahir) but should be used in food items in very minute quantities only.]

This [latter caution] is for a case where it is neither established that the animal was slaughtered according to Islamic rules, nor had istihala taken place. [If any of these two issues were established, then there would be no restriction in using gelatin in food items.]

The above ruling does not differ whether the gelatin was derived from parts of the animal that has feeling (like cartilage, gristle) or has no feeling (like bones). This ruling about parts with no feeling is based on obligatory precaution. However, if its impurity was established (for example, it is known that it comes from an essentially impure animal or from the cartilage of an animal not slaughtered according to Islamic rules, or from its bones without purifying them, in which case it would be considered mutanajjis by coming into wet contact with an impure item), then considering it pure and permissible for use in food items depends on establishing istihala. And in this matter [whether istihala took place or not], one should refer to the common perception of the people. We have explained its criterion earlier.

b. [Istishab is a principle that says that in case of doubt one should extend the previous knowledge about that particular issue until proven otherwise.] The principle of istishab

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is neither applicable in cases of doubt concerning the concept [of the law], nor in cases of .the law themselves—as has been proven in its appropriate place in the Science of 'Usûl

However, since the issue of impurity (najasat) is related to the generic concept in a common man's perspective and extension of judgement about najasat depends, in the eyes of sensible people, on continued existence of its elements — this makes the doubt about occurrence of istihala (whether its application is limited or broad) into a doubt about continued existence of impure elements [in the gelatin]. And this is a matter of application of the law. There is therefore no problem in applying the principle of istishab in this case. .Allah knows the best

۱۹۹ . Question: We are unaware of the ingredients of food sold in shops in Western countries: it might be free from those ingredients that are forbidden to us or it might contain them. Are we allowed to eat such items without looking into their ingredients, or ?inquiring about them? Or is that not allowed to us

Answer: It is permissible [to eat such food] as long as it is not known that it contains meat, .fat, and their derivatives that are forbidden to us

۲۰۰ . Question: Is it permissible to use, in our foods, oils derived from fish that are ?forbidden to us? What about using such oils for other matters

Answer: It is not permissible to eat such oils but their other usage is permissible. Allah .knows the best

.۲۰۱

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Question: Is it permissible for a Muslim to attend a gathering where intoxicant drinks are ?being served

Answer: Eating and drinking in those gatherings is forbidden. However, the prohibition in attending such gatherings is based on compulsory precaution. But there is no problem in attending such gatherings for the purpose of forbidding the evil (nahi 'anil munkar), if one .is capable of doing that

?Question: Is it permissible to eat lobster, crayfish, and snails .۲۰۲

Answer: Is it not permissible to eat from marine animals anything except fish that has scale; shrimp is considered from that category [of permissible sea animals]. But other than fish, like lobster, and similarly the fish that does not have scale is forbidden. Allah .knows the best

Dress Clothings

Introduction

Wearing clothes made of natural leather is a real problem for Muslims living in non-Muslim countries. Muslims are used to buying leather products in their own countries without any problem at all because they know that they are made from leather that comes from animals that are slaughtered according to Islamic laws. So they wear them, pray in them, and touch them with their wet hands without any problem or hesitation. But .in non-Muslim countries, the reality is completely different

General Rules

Leather products are impure (najis) and salat in them is not permissible, if we know .۲۰۳ that they have been made from the hide of an animal not slaughtered according to Islamic laws. Such products are considered pure and salat in them is permissible, if there is a probability that they

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were made from skin of an animal that is essentially halal and was slaughtered according to Islamic laws.

Salat is not permissible in leather products made from skin of predatory animals like lion, leopard, tiger, fox, and jackal. Similarly, based on obligatory precaution, salat is not permissible in leather products made from non-predatory animals whose meat is forbidden to us like monkeys and elephants even though their hide could be considered tahir if they certainly were (or there is a probability that they were) killed according to Islamic laws.

In all these cases of probability, wearing a belt and things like that made from leather is allowed [in salat], provided that they are not big enough as to conceal the private parts. If there exists no probability that it was slaughtered according to Islamic laws, and, on the contrary, we are sure that it comes from skin of an animal that was not slaughtered according to Islamic laws, then it is najis and salat in it is not permissible. [With no such probability,] even the use of belt and other things (that cannot conceal the sexual organs in salat) is not permissible on the basis of obligatory precaution. It would be the same law if the probability was very low that sensible people ignore it (for example, ۲٪).

The permissibility of the leather of these animals can be achieved by two methods: The first method is that they be slaughtered just as a sheep is slaughtered with all conditions observed. The second method

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is that they are hunted by using a gun. In the latter case, the hunter must be a Muslim; he must invoke Allah's name while pulling the trigger; he must shoot with the purpose of hunting, and get to the place where the animal fell after it has died or when there was not .enough time to slaughter it

Leather products made in non-Muslim countries from hides of snakes and crocodiles .۲۰۴ and displayed in non-Muslims markets are considered pure (tahir); and it is permissible to .buy, sell, and use them in things that require purity

Leather products made in Muslim countries and displayed in non-Muslim markets are .۲۰۵ .considered pure (tahir) and it is permissible to use them in salat

Leather products made in non-Muslim countries whose nature and ritual purity . ۲۰۶ cannot be determined, uncertain whether they are from natural or are permissible to use .in salat

Shoes made from leather of an animal not slaughtered according to Islamic laws do .۲۰۷ not make the feet najis except through wetness that transfers the impurity. So, if the foot sweats and the socks become soaked with the sweat, yet the latter does not reach the .impure leather, it will not make the feet or the socks impure

It is permissible to say salat with a leather cap or a leather belt manufactured in non- .۲۰۸ Muslim countries and bought in non-Muslim markets if there is a probability that these leather products were made from hide of animals that are essentially halal and were slaughtered according

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to Islamic laws. This has been mentioned in the third rule of this section. (See the (.question-answer section below

Men are not allowed to wear gold regardless of whether it is a [normal] ring, a .۲۰۹ wedding ring, a wristwatch, or other things in salat as well as outside it. It is permissible for them to wear gold-plated items, provided that gold is only considered as a coating and .nothing more

.It is permissible for men to wear what is known as white gold .۲۱۰

.Women are allowed to wear gold at all times, even in salat .۲۱۱

Men are not allowed to wear pure and natural silk, neither in salat nor outside salat, .۲۱۲ except in special circumstances that have been explained in the books of Islamic .jurisprudence

.Women are allowed to wear silk at all times even in salat .۲۱۳

Men are allowed to wear 'doubtful' silk fabrics and clothes whose origin doubtful, i.e. .۲۱۴ whether they are made from natural silk or synthetic one. In this case, even salat in them (.is permissible. (See the question-answer section below

Similarly, it is permissible for them to wear natural silk that has been blended with other material like cotton, wool, nylon, etc. to the extent that the blended fabric is no longer considered pure silk. This law also applies, if there is uncertainty about the extent of blending [of pure silk and other material]. In such cases, it is also permissible to say salat .in it

Based on obligatory precaution, men are not allowed to dress .۲۱۵

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.up in women's clothes

Based on obligatory precaution, Muslims are not allowed to dress up in clothes that .۲۱۶ .are specifically known as the dress of non-Muslims

Questions and Answers

Question: We Muslims in Europe buy shoes, belts and other clothing items made of .۲۱۷ leather which may come from animals killed in non-Islamic way. At times such items are imported from Muslim countries or obtained from Muslim abattoirs here (since there are .(a few Muslim abattoirs in the U.K. for example

Can we consider such leather to be pure (tahir) in the probability that it might have been imported from Muslim countries or obtained from abattoirs adopting Islamic way of ?slaughtering, even if such a probability is very weak

Answer: If the probability is so weak that the opposite is more likely (for example, ۲٪), it should not even be considered. Otherwise [if the probability is high], there is no problem in .considering it to be pure (tahir). Allah knows the best

Question: Jurists have decreed that it is forbidden [for men] to wear pure and natural .۲۱۸ silk. Is it permissible for a man to wear silk that is mixed with other material if that clothing item is a necktie [or the normal tie]? And is it forbidden for man to wear the necktie, if it is ?made of natural and pure silk

Answer: It is not forbidden to wear a tie, even if it is from pure silk because it is not [big .[enough material] to cover the private parts that must be covered [in prayer

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As for the item that is mixed with other material to the extent that it cannot be described as "pure silk," it is permissible to wear, even if it [is big enough so that it] can cover the .[private parts that must be covered [in prayer

Question: Even though some manufacturers write on their products that they have .۲۱۹ been made of natural silk, we doubt such a claim because of the goods very low price. Is it ?permissible for us to wear such an item and say salat in it

.Answer: With doubt [whether the silk is pure], it is permissible to wear and say salat in it

Question: Is it permissible to wear clothes that have pictures of intoxicating drinks as .۲۲۰ ?a promotion for drinking them? Is it permissible to sell such items

.Answer: It is forbidden to wear and sell them

Question: Is it permissible for a man to wear a watch that contains parts made from .۲۲۱ ?gold or a watch whose strap is made of gold? Is it permissible to say salat with it

.Answer: It is permissible to wear the first item and pray in it but not the second

Dealing with laws in non-Muslim countries

Introduction

Various governments lay down laws to govern the conduct of the lives of their citizens, at times they would order people to do something and at times prohibit them from doing .some other things; they would limit and restrict certain activities, etc

Among those laws are the laws concerning public utilities related to the daily lives of the people

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in a given geographical area; and violating or disobeying these laws could led to disarray .and chaos

General Rules

It is not permissible for anyone to leave something on the public road that could .۲۲۲ .cause harm to the pedestrians and others anywhere in Muslim and non-Muslim countries

It is not permissible for a Muslim to post bills or write or engage in other similar .۲۲۳ activities on the outer walls or billboards that are owned by others except after obtaining .the permission of the owner

It is forbidden for a Muslim to betray the trust of someone who has entrusted him .۲۲۴ .with an item or a deed, even if that person happens to be a non-Muslim

It is similarly obligatory upon a Muslim to safeguard the deposit that has been given .۲۲۵ to him and give it back in full. Therefore, one who works as a cashier or accountant is not allowed to betray the employer and steal something that is under his control(۱)(See the (.question-answer section below

It is neither permissible to steal from the private as well as the public property of non- .۲۲۶ Muslims, nor vandalize it, even if that stealing or vandalizing does not tarnish the image of Islam and Muslims. Such an act is counted as perfidy and violation of the guarantee given to non-Muslims indirectly when one asked permission to enter or reside in that country. And it is forbidden to breach the trust and violate the guarantee in regard to every person .irrespective of his religion, citizenship, and beliefs

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.Dalilu 'l-Muslim fi Biladi 'l-Ghurba, p. ۸۹-۹۰ -۱

(.See the question-answer section below)

It is not permissible to steal the property of non-Muslims when they enter Muslim .۲۲۷ .countries

It is not permissible for a Muslim to receive wages and subsidy through illegal means, .۲۲۸ .and other similar methods, for example, by giving false information to the authorities

It is permissible for a Muslim to purchase insurance policy from various insurance .۲۲۹ companies for insuring his life and property from fire, flood, theft, and other perils. The insurance agreement is considered binding and cannot be cancelled except with the .consent of both parties

It is not permissible for a Muslim to give false information to the insurance companies .۲۳۰ with the purpose of obtaining something that he is not entitled to just as he is not allowed to intentionally fake an accident like fire, for example, in order to gain something. Nor (.would the insurance benefits be lawful for him. (See the question-answer section below

At times the higher interests of the Muslims in non-Muslim countries demand that .۲۳۱ Muslims seek membership of political parties, enter parliaments, and representative assemblies. In such cases, it is permissible for Muslims to engage in such activities as much as is demanded by the interest [of the Muslim community] that must be identified by .consulting the trustworthy experts

Under no circumstance is it permissible to cheat in school exams irrespective of the .۲۳۲ fact that cheating is done by mutual help among the students or by the passing of notes or by duping the inspector and other illegal

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methods that are against the [education] system. (See the question-answer section .(below

Questions and Answers

Question: If a Muslim tries to get from the bank's cash dispensing machine some of .۲۳۳ his own money and more money than what he had asked for is dispensed, is he allowed ?to take the extra money without the bank knowing about it

.Answer: It is not allowed

Question: A Muslim buys a commodity from a foreign company in a non-Muslim .۲۳۴ country; the seller by mistake gives more than what was ordered. Is the Muslim customer ?allowed to take the extra? Is he obliged to inform the seller about the mistake

Answer: It is not lawful for him to take the excess amount; if he did so, it is obligatory for .him to return it

Question: A Muslim employee of a non-Muslim company is in a position to .۲۳۵ ?misappropriate company's products. Is he allowed to do this

.Answer: It is not permissible

Question: Is it permissible to tamper with electric or water or gas meters, in non- .۲۳۶ ?Muslim countries

.Answer: This also is not permissible

Question: A Muslim in the West claims that he used to drive in his country for many .۲۳۷ years and supports his claim with a document from a given source so that he gets a preferable rate for his insurance premium. Is he allowed to change the fact in his statement, even if it is by tawriya (equivocation)? Is it permissible to help him for this ?purpose

Answer: Lying for the above mentioned purpose is not permissible, nor is it

.allowed to claim money in this way; and duplicity in this is helping in committing a sin

Question: Is it permissible to cheat insurance companies in non-Muslim countries .۲۳۸ ?when one is confident that it would not tarnish the image of Islam and Muslims

.Answer: It is not permissible

Question: A Muslim deliberately torches his insured house so that he may receive .۲۳۹ compensation from the non-Muslim insurance company. Is he allowed to do this? And is it ?permissible for him to receive the compensation

Answer: It is not permissible for him to destroy and waste the property, nor is it allowed for him to give false information to the insurance company for the purpose mentioned .above. The money received [in this process] is not lawful

Question: Is it permissible to cheat [in the exams] at public schools in Europe? Is it .۲۴۰ ?permissible to cheat [in the exams] at the private Islamic and non-Islamic schools

.[Answer: Cheating is not allowed in any of these [schools

Question: In some means of transportation, there are signs that say, "No Smoking". Is .۲۴۱ ?it permissible to ignore those signs and smoke

Answer: If that sign is like an additional condition for riding in that vehicle, or an official by-law of the government, and the passenger has given commitment to abide by the official .laws, it is necessary for him to act according to that condition and his undertaking

Question: Is it necessary for the person who has got a visa to enter a non-Muslim .۲۴۲ country to abide by the laws

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.?of that country in all fields, like traffic laws, laws regarding work and employment, etc

Answer: If he has given an undertaking—even if indirectly [as is implied in the immigration documents]— to abide by the laws of that country, it is necessary for him to fulfill his .[commitment in issues that are not contrary to the sacred laws [of Islam

As for example, it is necessary to obey traffic regulations regardless [of the fact .۲۴۳ whether you have given a commitment or not], if not obeying those rules could eventually .[lead to harming people's lives and properties which are sacrosanct [in Islamic laws

Question: Some governments offer social security benefits to their citizens as long as .۲۴۴ one does not find a job. Is it permissible for them to continue receiving these benefits, even after they have found work and have not informed the department concerned ?about it

Answer: It is not permissible for them to accept the benefits except after informing the .competent authorities in those countries about it

Question: Is it permissible for a Muslim to steal from non-Muslims in non-Muslim .۲۴۵ countries? And is it permissible for him to cheat them in methods that are common among ?themselves in order to acquire their property

Answer: It is not permissible to steal their private or public property, or vandalize it if that .leads to tarnishing the image of Islam or Muslims in general

Similarly, it is not allowed to steal, even if it does not lead to that [i.e., tarnishing the image of Islam or

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Muslims] but is considered as perfidy and violation of the guarantee given to non-Muslims indirectly when one asked permission to enter or reside in their country. And it is .forbidden to breach the trust and violate the guarantee in regard to every person

Question: Is it permissible for a Muslim to give false information to government .۲۴۶ agencies in Europe in order to gain monetary and non-monetary privileges and benefits ?through their lawful means

Answer: It is not permissible because it is lying; and what has been mentioned is not a .[justified reason [for lying

Work investment

Introduction

As a principle, it is permissible for a Muslim to engage, as an employee of a non-Muslim in various vital activities of life and in different kinds of [company], of general benefit so that he may be of use to himself and humanity. This permission is conditional to the fact that such work is not forbidden by the laws of Islam and that it does not lead to harming the interest of Muslims or serve the interest and schemes of the enemies of Islam and .Muslims

General Rules

It is not permissible for a Muslim to debase himself in front of any human being be .۲۴۷ they Muslim or non-Muslim. So, if the work, that a Muslim does, debases him in from of a .non-Muslim, it is not permissible for him to engage in that debasing work

A Muslim is allowed to serve meat of an animal that was not slaughtered according to .۲۴۸ Islamic laws to those who consider

it lawful like Christians, Jews, and others. Similarly, it is permissible for him to work in preparing and cooking that meat. The money that he receives in return for that work can .(be legitimized by the rule of tanazul (withdrawing your exclusive right from that meat

It is not permissible for a Muslim to sell pork to those who believe it is lawful for them .۲۴۹ among the Christians and others. Based on obligatory precaution, one should not even (.serve that meat to them. (See the question-answer section below

A Muslim is not allowed to serve intoxicating drinks to anyone at all, even to those .۲۵۰ who believe it is lawful to them. He is not [even] allowed to wash the dishes or give them .to others, if that washing and giving is part of the drinking of intoxicants

A Muslim is not allowed to hire himself out for selling or serving intoxicanting drinks or .۲۵۱ for washing the dishes for that purpose, just as it is not allowed for him to take the wages for this work, as it is unlawful. As for the "extreme need" justification used by some people ,for this kind of work, it is an unacceptable justification. Almighty Allah says

And whosoever is careful of (his duty towards) Allah, He will make for him an outlet; and" give him in sustenance from whence he thinks not. And whosoever trusts in Allah, He is (sufficient for him..." (۶۵:۳

,He also said

Surely those whom the angels cause to die while they"

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are unjust to their souls, they shall say, 'In what state were you?' They shall answer, 'We were weak in the earth.' They shall say, 'Was not Allah's earth spacious so that you should have migrated therein?' So, these it is whose abode is hell, and it is an evil resort except the weak from among the men and the children who have not in their power the (means nor can they find a way (to escape)." (۴:۹۷-۹۸

In his sermon of the last pilgrimage, Prophet Muhammad (s.a.w.) said, "Know that the Trustworthy Soul (Jibra'il) has inspired in my mind that no soul shall die until its sustenance is completed. Therefore, fear Allah and work hard in seeking [the sustenance]; and let not the delay in getting your share of the sustenance compel you to seek it through disobeying Allah for the Blessed and Almighty Allah has divided the .sustenance among His creation by lawful means and not through unlawful means

So, whosoever fears Allah and has patience, Allah will provide them sustenance from lawful [means]; but whosoever tears apart the curtain of propriety, makes haste and acquire their portion from unlawful [means], it will be taken off from their lawful sustenance and they will be held accountable for it on the Day of Resurrection."(۱) (See (.the question-answer section below

It is not permissible to work in places of entertainment and other similar places of .۲۵۲ debauchery if that work would cause one to drift towards unlawful acts. (See the (.question-answer section below

.۲۵۳

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.Al-Hurr al-'Amili, Wasa'ulu 'sh-Shi'a, vol. ۱۷, p. ۴۴ -۱

It is permissible for Muslims to participate as partners with non-Muslims (like Christians and Jews for example) in various kinds of businesses considered lawful in Islamic laws .like selling, buying, export, import, building contracts, etc

.It is permissible to deposit [money] in non-Muslim (private or state-owned) banks .۲۵۴

If a Muslim intends to get a loan from such banks, it is necessary that he should do so .۲۵۵ with the intention that it is a transaction without return, even if he knows that he will end up paying the capital as well as the interest. And he should not do so with the intention of .getting the loan with the condition of [paying] interest

It is permissible for a Muslim to authorise another person to use his name (and his .۲۵۶ credit) to buy shares, in return for an amount (in money or commodity) on which both .have reached an agreement

It is not permissible for a Muslim to buy products of the countries that are in a state of .۲۵۷ war with Islam and Muslims, for example, Israel. (See the question-answer section (.below

A Muslim is allowed to exchange the currency with some other currency at the market .۲۵۸ price, or at a lower or higher rate, irrespective of the fact that the exchange is of an .immediate or a deferred nature

It is forbidden to use bank-notes that are counterfeit or have no value at all—the .۲۵۹ money that is used by a fraudster when he pays the worker who is unaware of its

forgery or worthlessness. The business deal conducted with this kind of money is not .valid

a. It is not permissible for a Muslim to buy tickets of chance (including lottery), if he buys .them with the intention of luckily winning the prize

b. It is permissible for him to buy the lottery tickets if he buys it with the intention of participating in a charitable cause that is accepted Islamically like building hospitals, orphanages, etc., but not with the intention of winning the prize. However, this hypothetical situation is extremely difficult to occur in non-Muslim countries that consider certain activities that are forbidden in Islam to be of a charitable nature according to their .own understanding

In both the cases [of "a" and "b" if a Muslim wins the lottery], it is permissible to receive the prize from a non-Muslim [person or company]. (See the question-answer section (.below

It is permissible to sell wild animals whose meat is forbidden like tiger, hyena, fox, .۲۶۰ elephant, lion, bear, and other similar animals like cat and whale if there is any legitimate benefit which makes them valuable in the market (even if in view of only some experts of that field). Non-hunting dogs and pigs are exempt from this rule. (See the question-(.answer section below

It is permissible to sell and buy gold and silver utensils for the purpose of decoration; .۲۶۱ .however, it is forbidden to use them for eating and drinking

No khums is levied on the salary paid by a government in .۲۶۲

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a Muslim country directly into the bank account of its employee, even if it is more than his annual expenses—as long as he does not receive it in his hands. (See the question-answer no. ۲۶۰ section below.)

Questions and Answer

۲۶۳. Question: In the West, it is possible for a person to open a variety of current accounts with high or low interest rates equally without any difficulty in both the cases. Is it permissible to open accounts with high interest rate with the understanding that the person will not demand the interest, if the bank denies it to him? If it is not permissible, is there a solution that would allow them to open such an account knowing well that they, in their heart, are seeking the best interest?

Answer: They are allowed to open the account in the bank and it is [also] permissible for them to deposit in it with the condition of earning the interest, if the bank is financed by non-Muslim governments or people.

۲۶۴. Question: Banks in the West give loans —known as mortgage— to those who do not have enough money to buy houses; this is to be paid back in [weekly or monthly] installments with a high rate of interest. Is a Muslim allowed to use this facility? If it is not permissible, is there a solution in your view for someone who claims that he needs the mortgage to buy his own residential house and does not possess enough money to pay for it?

Answer: It

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is permissible to take the money from the bank that is financed by non-Muslim government or private funds but not with the intention of loan. The knowledge that the bank will sooner or later force him to pay the capital as well as the interest does not affect .[the lawfulness of] his taking the money

Question: Some governments are committed to providing housing for the needy . ۲۶۵ under specific circumstances. Is it permissible for a Muslim to buy a house in which he resides for a short time (so that he will not be liable for khums [on that house]), and then he gives it out on rent so he can then go and live in a house subsidized by the ?government

Answer: Khums is not waived from a house just by living in it for a short while without .actually being in need of it, as has been presumed in the question

Question: Some trading and manufacturing companies get loans from private or state .۲۶۶ banks in Muslim countries and also from other [non-Muslim] institutions with the condition of interest; and they also earn interest on the deposits they leave in those banks. Are we ?allowed to buy shares from these companies or be partners in their ventures

Answer: If the partnership with them is like participating in their interest-bearing activities, it is not allowed. However, if Muslims own the company and it receives interest from the banks of non-Muslims, there is no problem [in buying its shares or partnership] .from this perspective

.۲۶۷

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Question: Some governments and some companies in non-Muslim as well as Muslim, countries deposit the salaries of their employees directly into their accounts in the banks. The employee does not get the money in his hand, although he can withdraw it whenever he wants. Now, if the statement of his account shows that the money has surpassed his ?annual expenses, is khums obligatory on it

Answer: Khums is obligatory in what has surpassed his annual needs, except in the case of a government employee in a Muslim state that deposits his salary into a state or private bank. In the latter case, khums would not be obligatory on the salary that has been deposited in the bank until he [physically] takes possession of it with the permission of the mujtahid(۱) then the salary will be included in his income of that year and khums will .become obligatory on what is in excess to that year's expenses

Question: A Muslim took a loan from another Muslim. After a while the market value of .۲۶۸ that amount goes down. How much should he pay back to the creditor? The amount that he got as loan or its equivalent in the market value at the time of payment? Does the rule ?differ if the creditor is non-Muslim

Answer: He has to pay the same amount that he got as loan; and there is no difference .whether the creditor was Muslim or non-Muslim

Question: Is it permissible to invest in companies who deal in part, in intoxicating .۲۶۹

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Translator's Note: Working for a government in a Muslim state is itself problematic - ۱ from the religious point of view unless it is an Islamic government. So the salary received from such a government cannot become legitimate unless permission is sought from the mujtahid. This is the underlining reason for the clause "without the permission of the .mujtahid" in the above answer

drinks without the possibility of separating one's investment from that of the others in ?that line of production

.Answer: It is not permissible to participate or deal in the production of intoxicating drinks

Question: A Muslim builder or contractor is approached for building a place of worship .۲۷۰ ?for non-Muslims in a non-Muslim country. Is it permissible for him to accept that job

.Answer: It is not permissible because it involves promoting the false religions

Question: A Muslim calligrapher is approached for preparing a billboard promoting .۲۷۱ intoxicating drinks, or for an all-night dance party, or for a restaurant that serves pork. Is ?it permissible for him to accept these jobs

Answer: It is not permissible because it involves advertising indecent acts and promoting .immorality

Question: Is it permissible to buy goods from companies that allocate part of their .۲۷۲ ?profits to supporting Israel

.Answer: We do not allow that

Question: A Muslim buys a building but does not know that it also contains a pub .۲۷۳ .whose lease he cannot terminate [before its expiry]. Then he finds out the fact

?a. Is it permissible for him to receive the rent of the pub from the lessee

b. If it is not allowed, is it permissible for him to receive the rent with the permission of the ?mujtahid? Or under other pretext

c. If we assume that he knew about the existence of the pub before buying the building, is it permissible for him to buy that building knowing that he cannot terminate the lease of ?the pub owner

:Answer

a. It is

.not permissible for him to receive the rent in return for renting that place as a pub

b. Since he owns the right of rent of that place for permissible use, he is allowed to take (from the money given to him as rent for the pub) an amount that is his right. If the lessee .[is non-Muslim, the owner can take the money but not as rent [for the pub

c. It is permissible for him to buy that building, even if he knew about the above-mentioned lessee and that he cannot terminate that lease.

Question: Is it permissible for a Muslim business owner to employ non-Muslims in his .۲۷۴ ?business even though there are Muslims who need jobs

Answer: On its own terms, it is permissible; but based on the demands of Islamic brotherhood and the rights that Muslims have over one another, it is better to choose .Muslims over non-Muslims as long as there is no problem in it

Question: Is it permissible to work as salesman or cashier in shops that sell . ۲۷۵ pornographic magazines? Is it permissible to deal in these kinds of magazines? Is it ?permissible to print them

Answer: None of these [activities] is permissible because they aim at promoting forbidden .acts and propagating immorality

Question: A Muslim works in a non-Muslim country, in a private office, or in a . ۲۷۶ government office, or on contract for a specific project where he is paid by the hour. Is it permissible for him to waste some hours or work negligently or

?intentionally delay the job? Does he deserve the full wages

.Answer: This is not allowed; and if one does it, he is not entitled to full wages

Question: Some Muslims deal in the manuscripts of the Holy Qur'an which they import .۲۷۷ from Muslim countries. Is this permissible? If the obstacle in selling is the law that forbids selling the Qur'an to non-Muslims, is it possible to overlook this condition so that the deal ?may be legitimate? If it is permissible, how do we bypass this condition

Answer: We do not allow this since it is detrimental to the [intellectual and cultural] .heritage of the Muslims and their resources

Question: Is it permissible to deal in manuscripts, art works, and Islamic artifacts by .۲۷۸ importing them from Muslim countries with the purpose of selling them at high prices in, for example, European countries? Or is this considered ruinous to Islamic heritage, and ?therefore not permissible

.Answer: We do not allow this for the reason mentioned earlier

Question: During some nights the clubs are filled with their non-Muslim customers .۲۷۹ who usually get drunk, and come out looking for restaurants to eat their meal. Is it permissible for a Muslim to work in such restaurants to serve permissible food to drunkards and sober customers alike? Is it a sin, if that permissible food helps in ?decreasing the effect of intoxication or other similar effect

.Answer: On its merits, there is no problem in this

Question: Is it permissible for a Muslim to sell pork to those who believe .۲۸۰

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?it is permissible for them like the Ahlul Kitab

.Answer: It is not permissible to deal in pork at all

.۲۸۱ Question: Is it permissible to work at a store that sells pork in the sense that the ?Muslim supervisor asks one of his employees to give pork to the customer

Answer: It is not permissible to sell pork, even to those who consider it lawful, be it directly or through an intermediary. As for handling pork for those who consider it lawful, there is problem in it; however, based on obligatory precaution, one should refrain from .it

.۲۸۲ Question: A person knows for sure that one day he will see a haram scene on ?television or video. Is it then permissible to buy it

.Answer: The reason compels him not to buy

.۲۸۳ Question: You have said that a Muslim is allowed to buy lottery tickets, if he intends to contribute to a charitable cause, i.e. with no intention of winning the prize. Now, if a Muslim intends that he is donating some part of the price of the lottery ticket for a charitable cause that the lottery company chooses, and the rest of the price is with the intention of winning the prize—would it be permissible to buy the lottery ticket with such ?intention

.Answer: It is not permissible

.۲۸۴ Question: Is it allowed for a mature and responsible Muslim to encourage a child to buy a lottery ticket and then ask him to present it to himself as a gift? Is it permissible for him

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to ask an Ahlul Kitab person to buy the ticket [for him] with the intention of winning the ?prize

Answer: The prohibition is not lifted by any of those [loop holes] because the rule of .causing or delegating [the act of buying the lottery ticket] is like doing it directly

Question: Is it permissible to buy, say, honey, which has on it a lottery ticket with the .۲۸۵ ?intention of winning the probable prize at the time of buying

.Answer: It is permissible, if the entire price is for the honey and not for the probable prize

Question: A Muslim wins a lottery prize and then decides to donate a portion of the .۲۸۶ prize to a charitable organization. Is it permissible for that charitable organization to accept the money [or the item] and use it for the welfare of Muslims? And does it make a difference if the intention of the winner from the very beginning had been to use some of ?the prize for the well-being of Muslims

Answer: If the prize belongs to those whose wealth is not sacrosanct [in Islam], it is .permissible to utilize it

Question: If a winner of the lottery performs hajj with the prize of the lottery, is his .۲۸۷ ?hajj valid

.Answer: The ruling is clear from the answer of the last question

Question: If an unjust and usurping establishment gives an amount of money to a .۲۸۸ ?Muslim [to spend it for hajj], what is the status of his hajj

Answer: If it is not known that that particular

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money was aquired unlawfully, the recipient should not worry if the giver is unjust and .usurper

Question: Is it permissible to work in a restaurant where intoxicating drinks are . ۲۸۹ served, if the worker does not himself serve them; nevertheless, sometimes he would be [?washing the cutlery [in which the drinks were served

Answer: If washing the cutlery used for the intoxicating drinks is considered as a first step .in drinking the liquor and serving it to the customers, it is forbidden

Question: A Muslim who is committed to promote his religion is compelled to work in a .۲۹۰ government department in the West; this may lead to committing certain forbidden acts. He does this with the hope that he will have in future a greater influence in that department. In this way he serves his religion and considers this service more important ?than committing the forbidden acts. Is this permissible for him

Answer: It is not permissible to commit a forbidden act just for future [positive] .expectations

Question: Is it permissible for a holder of a law degree to become a lawyer in a non- .۲۹۱ Muslim country upholding the laws of that country, and taking cases of non-Muslims since ?his purpose is to attract cases irrespective of their nature

Answer: If it does not involve violation of a right or lying or other forbidden acts, there is .no problem in it

Question: Is it permissible for a holder of a law degree to become a judge in non- . ۲۹۲ Muslim countries in which he acts according to

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?their laws

Answer: It is not permissible to administer judgment for those who are not qualified, and .[it is not permissible to judge] based on non-Islamic laws

Question: An electrical engineer in a European country is sometimes called to install or .۲۹۳ repair public address systems; at times those places are establishments for illicit entertainment. Is it permissible for him to engage in this work in such places with the knowledge that if he declines the customer, it will hurt his business, in that customers will ?eventually leave him

.Answer: It is permissible

Question: A person works in a restaurant in which he might be required to serve meat .۲۹۴ that is not halal or pork to non-Muslims. You have kindly answered the first situation; but the question remains with regard to the second situation that involves serving pork alongside the meat that is not halal. Is this allowed? If he refuses to serve pork, he might .lose his job and be fired

Answer: Serving pork even to those who consider it lawful is a problem; and based on .۲۹۵ .obligatory precaution, it must be avoided

Question: Is a Muslim allowed to work in grocery stores that sell liquor in one of its .۲۹۶ ?sections, and his work is only as a cashier

Answer: He is allowed to receive the price of items other than liquor and also the price of .liquor, if the buyers are non-Muslims

Question: A printer in the West prints the menus of restaurants. Such menus include .۲۹۷ pork. Is this allowed? Is he

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allowed to print the advertisements for pubs and establishments that provide forbidden entertainment knowing well that his business will be affected, if he does not print these ?kinds of materials

.Answer: It is not permissible for him to do that even if it affects his business

Interaction in social life

Introduction

Each society has its own social circumstances with its own traditions, formalities, values and customs. It is natural that the values and customs of societies in foreign countries would differ from those of our Muslim societies. These differences place the Muslim living in such societies, in a constant state of questing about what is permissible for him and .what is not

Becoming part of societies that cater for Western values imposes upon the immigrants (from Muslim countries) the resistance against becoming absorbed in the melting pot of the new values, and the protection of themselves and their children from gradually melting into it. This is bound to put upon them extra hardship to protect themselves, their .families and children from the societies destructive influences

General Rules

Rights of one's Relatives

Maintaining ties with one's relations (silatur rahim) is obligatory upon Muslims, and .۲۹۸ severing those ties (qat'ur rahim) is one of the major sins. Since maintaining the ties is obligatory and severing them is a major sin for which Allah has threatened Hell-fire, the need for maintaining the ties becomes more important in foreign lands; and observing this obligation takes greater priority in countries where relations are few, families break .up, religious bonds erode, and material values rule supreme

Allah, the Almighty, has

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:forbidden the severing of ties with one's relatives. He said in the Holy Book

But if you held command, you were sure to make mischief in the land and cut off the ties" of kinship! Those it is whom Allah has cursed so He has made them deaf and blinded their (eyes." (۴۷:۲۲

Imam 'Ali (a.s.) said, "A family that is united and whose members support one another, Allah gives them sustenance, even if they be sinners; a family that is divided and severs (ties with one another, Allah deprives them [from sustenance], even if they be pious."(۱

It has been narrated from Imam al-Baqir (a.s.) that: "In the book of 'Ali [it says], 'There are three traits whoever possesses them shall not die until he sees their evil consequences: adultery, severing the ties with one's relations, and a false oath in which Allah is invoked. Indeed the good deed that expedites reward is maintaining the ties with one's relations. There could be a people, who are sinners, yet they maintain ties with one another, and so their wealth increases and they have affluence. Verily a false oath and severing of ties will (destroy populated centres."(۲

It is haram to cut the ties with one's relation even if that person had severed his ties .۲۹۹ [with you]. It is haram to do so, even if he or she is negligent of salat, a drunkard, and takes some religious injunctions lightly (for example by not observing the hijab, etc) to the extent that there

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.Al-Kulayni, al-Usûl mina 'l-Kafi, vol. ۲, p. ۳۴۸ -۱

.Ibid, p. ۳۴۷ -۲

is no use in advising, counseling or warning him or her. This prohibition is only lifted when maintaining the ties encourages that relation to continue in his or her immoral ways.

Our holy Prophet Muhammad (s.a.w.) said, “The best of virtues is to maintain the ties with one who has severed it; to give in charity to one who has deprived you [of help]; and to forgive one who has done wrong to you.”(۱) He also said, “Do not sever the ties with your relations even if they have severed them with you.”(۲)

۳۰۰. Probably the least of deeds that a Muslim can do (within the realm of possibility and ease) in order to maintain the ties with his relations is to visit them and meet them; or to inquire about their well being by enquiring even from far [via telephone, etc.]

Our noble Prophet Muhammad (s.a.w.) said, “The good deed that brings rewards faster [than other deeds] is maintaining the ties with one’s relations.”(۳) Imam ‘Ali (a.s.) said, “Maintain the link with your relations even by greeting. Allah, the Almighty, says,

‘Be careful of (your duty towards) Allah by whom you demand of one another (your rights), and (to) the ties of relationship; surely Allah ever watches over you.’ (۴:۱)”(۴)

Imam as-Sadiq (a.s.) said, “Maintaining the ties and charity make the reckoning [of the Day of Judgement] simple, and protects from the sins. Therefore, maintain the ties with your relations and be charitable towards your brethren even by greeting kindly and replying to

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۱- An-Naraqi, Jami'u 's-Sa'adat, vol. ۲, p. ۲۶۰.

۲- Al-Kulayni, al-Usûl mina 'l-K?fi, vol. ۲, p. ۳۴۷; also see as-Sadûq, Man La Yahdhuruhu 'l-Faqih, vol. ۴, p. ۲۶۷.

۳- Ibid, vol. ۲, p. ۱۵۲.

۴- Ibid, vol. ۲, p. ۱۵۵.

(the greetings."(۱

The Parents

۳۰۱. The most serious type of severing the ties is causing distress ('uqûq) to the parents whom Almighty Allah has enjoined kindness and compassion. The Almighty says in His noble Book,

"And your Lord enjoins that you should not worship but Him and be kind to the parents. If either or both of them reach old age with you, say not to them (so much as) 'ugh' nor chide them, and speak to them a generous word." (۱۷:۲۳)

The Imam says, "The lowest kind of 'uqûq is to say 'ugh'. If Allah the Almighty had known anything lower than that, He would surely have forbidden it."(۲)

Imam as-Sadiq (a.s.) said, "Anyone who looks towards his parents with hatred, even if they had been unjust to him, Allah shall not accept his salat." There are many such ahadith.(۳)

۳۰۲. As opposed to the above is being kind to one's parents which indeed is the best means of attaining the pleasure of Almighty Allah. He has said in the holy Qur'an:

"...and lower for them the wings of humility out of mercy, and say, 'My Lord! Have mercy on them as they had nourished me when I was an infant.'" (۱۷:۲۴)

Ibrahim bin Shu'ayb narrated that he said to Imam as-Sadiq (a.s.), "My father has become very old and weak so much so that we carry him [to the toilet] when need be." He said, "If you can help him in that, then do so, and [also] feed him with your hand because this [[service

p: ۱۳۸

۱- Ibid, vol. ۲, p. ۱۵۷.

۲- Ibid, vol. ۲, p. ۳۴۸.

۳- Ibid.

(will be a shield [against the hell-fire] for you tomorrow [i.e., in the next world]."(۱)

Maintaining the ties with one's mother before the father has also been mentioned in many noble ahadith. Imam as-Sadiq (a.s.) said, "A person came to the Prophet Muhammad (s.a.w.) and said, 'O Messenger of Allah! To whom should I do a good deed?' He replied, 'To your mother.' Then the person asked, 'Then who?' The Prophet replied, 'Your mother.' Then the person asked, 'Then who?' The Prophet replied, 'Your mother.' Then the person asked, 'Then who?' The Prophet answered, 'Your father.'"(۲) (See the question-answer section below.)

۳۰۳. In some ahadith the right of the eldest brother over the younger ones has been mentioned. This right should be observed and implemented in order to strengthen the ties of brotherhood within the single family and to guarantee its survival as a strong and well-knit structure if and when it goes through a rough patch. The Prophet Muhammad (s.a.w.) said, "The right of the eldest brother over the younger ones is like the right of the father over his child."(۳)

۳۰۴. Besides the guardian of the child or someone authorized by him, no one is allowed to physically punish a child when he commits a forbidden act or causes harm to others. The guardian and someone authorized by him are allowed to discipline a child. [However, there are limits that must be observed:] the act of, say, hitting should be light, not agonizing, and should not be such that it leaves

p: ۱۳۹

۱- Ibid, vol. ۲, p. ۱۶۲.

۲- Ibid, vol. ۲, p. ۱۶۰.

۳- An-Naraqi, Jami'u 's-Sa'adat, vol. ۲, p. ۲۶۷.

bruises on the child's skin; that it should not exceed three hits [in one instance]; and that also only when disciplining the child depends on corporal punishment.

Therefore, the elder brother does not have the right to hit the younger brother unless he is the legal guardian of the child or authorized by the guardian. It is not permissible at all to hit a school pupil without the permission of his guardians or someone authorized by the guardian. (See the question-answer section below.)

۳۰۵. It is not permissible to hit a baligh child in order to prevent him from an evil act, except in accordance with the conditions of al-amru bi 'l-ma'rûf wa 'n-nahi 'ani 'l-munkar (enjoining the good and forbidding the evil) with the permission of the religious authority. Based on obligatory precaution, a baligh child should not be hit at all.

The Elderly

۳۰۶. Respecting the Elders: The noble Prophet Muhammad (s.a.w.) has asked us to respect the elderly and honour them. He said, "One who recognizes the virtue of an elder person and honours him for his age, Allah shall protect him from the fear of the Day of Judgment."(۱)He also said, "One way of exalting Allah, the Almighty, is to honour the believer with a white beard."(۲)

Visiting One Another

۳۰۷. Many noble ahadith from the Prophet (s.a.w.) and the Imams (a.s.) have emphasized the idea of visiting one another, maintaining cordial relationship among the believers, making the believers happier, fulfilling their needs, visiting their sick, participating in their funerals, and helping them in good

p: ۱۴۰

۱- As-Sadûq, Thawabu 'l-A'mal wa 'Iqabu 'l-A'mal, p. ۲۲۵.

۲- Ibid.

as well as restrained circumstances. Imam as-Sadiq (a.s.) said, "Anyone who visits his brother [in faith] for the sake of Allah, Almighty Allah will say, 'You have visited Me, therefore your reward is upon Me, and I will not be satisfied with a reward for you less (than Paradise.'"(۱

The Imam said to Khaythamah, "Convey our greetings to those who love us and advise them to fear Allah, and that the affluent and strong ones among them should visit the poor and weak ones; they should participate in their funerals and meet one another in (their homes."(۲

The Neighbour

The right of the neighbour is close [in importance] to the right of kin. A Muslim and a .۳۰۸ non-Muslim neighbour are equal in this right because the Messenger of Allah (s.a.w.) :established the right of the non-Muslim neighbour when he said

There are three kinds of neighbours: ۱. Some of them have three rights [upon you]: the" .right of Islam, the right of neighbourhood, and the right of relationship

.Some have two rights: the right of Islam and the right of neighbourhood .۲

Some have just one right: the non-Muslim who has the right of neighbourhood."(۳) The .۳ Prophet said, "The best neighbourly act is to be trustworthy for those who are your (neighbours."(۴

In the advice Imam 'Ali gave to Imams al-Hasan and al-Husayn after the accursed Ibn Muljim had wounded him, he also talked about neighbours. He said, "be mindful of your duty towards Allah regarding your neighbours because it was the advice of your Prophet

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.Al-Kulayni, al-Usûl mina 'l-Kafi, vol. ۲, p. ۱۷۶ -۱
Ibid; for more information, see the sections "Fulfilling the Needs of Believer" (vol. ۲, p. -۲ ۱۹۲), "Striving for Need of a Believer" (vol. ۲, p. ۱۹۶), "Relieving the Suffering of a Believer" .(vol. ۲, p. ۱۹۹) of al-Usûl mina 'l-K?fi of al-Kulayni
.An-Nuri, Mustadraku 'l-Wasa'il ("Kitabu 'l-Hajj"), section ۷۲ -۳

۴ - An-Naraqi, Jami'u 's-Sa'adat, vol. ۲, p. ۲۶۷. Also see the section on "rights of the neighbour" in al-Usûl mina 'l-Kafi, vol. ۲, p. ۶۶۶.

who continuously talked good about them until we thought that he might give them a share in our estate."(۱)

Imam as-Sadiq (a.s.) said, "Accursed, accursed is he who harasses his neighbour."(۲) He also said, "One who does not maintain good neighbourly relations with his neighbours is not one of us."(۳)(See the question-answer section below.)

۳۰۹. Among the qualities of the good believers is to emulate the noble character of Prophet Muhammad (a.s.) whom the Almighty has described in His Book as follows: "And you verily are on a high level of noble character." (۶۸: ۴-۶.)(۴)Indeed the Messenger of Allah (s.a.w.) said, "Nothing will be placed on the scale of the Day of Judgement better than good character."(۵) Once the Prophet was asked, "Who is the best in faith among the believers?" He replied, "The best among them in character."(۶)

Truthfulness

۳۱۰. Among the qualities of good believers is truthfulness in speech and action, and fulfilling the promise. Almighty Allah has praised Prophet Isma'il (a.s.) by saying: "He indeed was true in [fulfillment of] promise and was a messenger, a prophet." (۱۹:۵۴)

The noble Prophet said, "One who believes in Allah and the Last Day should fulfill whatever he promises."(۷)

The importance of truthfulness and fulfillment of promise is more emphasized when we realize that many non-Muslims judge Islam by the action of Muslims. As much good a Muslim does, he positively portrays Islam to non-Muslims through his good conduct, and as much evil a Muslim does, he negatively portrays Islam through his bad conduct.

Husband and Wife

۳۱۱. Among the

p: ۱۴۲

۱- Nahju 'l-Balagha (ed. Subhi as-Salih) p. ۴۲۲.

۲- Mustadraku 'l-Wasa'il, vol. ۱, section ۷۲.

۳- An-Naraqi, Jami'u 's-Sa'adat, vol. ۲, p. ۲۶۸.

To know more about the noble character of the Prophet (a.s.), see at-Tabrasi, - ۴
.Makarimu 'l-Akhlaq, p. ۱۵ff, and the various books of history and hadith

.An-Naraqi, Jami'u 's-Sa'adat, vol. ۱, p. ۴۴۳ -۵

Ibid, vol. ۲, p. ۳۳۱. Also see al-Usûl mina 'l-Kafi, vol. ۲, p. ۹۹ and Wasa'ilu 'sh-Shi'a, vol. ۱۵, -۶
.p. ۱۹۸ff

.An-Naraqi, ibid. Also see al-Usûl mina 'l-Kafi, vol. ۲, p. ۳۶۳ff -۷

qualities of a good wife is refraining from harassing, hurting, and irritating her husband. Among the qualities of a good husband is refraining from harassing, hurting, and irritating his wife. The Prophet (s.a.w.) said, “If a man has a wife who harasses him, Allah will neither accept her ritual prayer (salat) nor any of her good deeds —until she has pleased him— even if she fasts and prays at all times, emancipates slaves, and gives away her wealth in charity for the sake of Allah. She will be the first to enter the Fire.” Then he said, “And the husband has the same burden and chastisement, if he is a harasser and unjust ([in his behaviour towards his wife].”(١)

Friendship with non-Muslims

A Muslim is allowed to take non-Muslims for acquaintances and friends, to be sincere .٣١٢ towards them and they be sincere towards him, to help one another in fulfilling the needs :of this life. Almighty Allah has said in His noble Book

Allah does not forbid you in regard to those who have not made war against you on" account of (your) religion, and have not driven you forth from your homes, that you show (them kindness and deal with them justly; surely Allah loves the doers of justice." (۶٠:٨

When these kinds of friendship produce good results, it guarantees that the non-Muslim friend, neighbour, or colleague and business partner will know about the values of Islam, ,and it will bring him closer to this upright religion. The Prophet said to Imam ‘Ali

p: ١۴٣

Al-Hurr al-'Amili, Wasa'ilu 'sh-Shi'a, vol. ٢٠, p. ٨٢. Also see 'Abdu 'l-Husayn Dastghayb, - ١ .adh-Dhunûbu 'l-Kabirah, vol. ٢, p. ٢٩۶-٢٩٧

If Allah guides through you a single person from His servants, that is better for you than" anything upon which the Sun shines from the East to the West."(۱) (See the question-(.answer section below

It is permissible to greet Ahlul Kitab (the Jews and the Christians, etc) and also the .۳۱۳ non-Ahlul Kitab on the occasions they celebrate like the New Year, Christmas, Easter, and .the Passover

Al-Amr bi 'l-Ma'rûf and an-Nahi 'ani 'l-Munkar

Enjoining good and forbidding evil are obligatory rituals, whenever the conditions .۳۱۴ exist, on all believing men and women. Almighty Allah has said in His noble Book: "There should be a group among you who should be calling (people) to the good, enjoining the good, and forbidding the evil; they are the successful ones." (۳:۱۰۴) He also said, "The believing men and the believing women are helpers of one another, they enjoin the good (and forbid the evil." (۹:۷۱

Our noble Prophet Muhammad (s.a.w.) said, "My community will continue to be blessed as long they enjoin the good and forbid the evil, and help one another in good deeds. When they do not do this, blessings will be withheld from them, and some [evil persons] among them will have hegemony over the others; and they shall have no helper neither on the (earth nor in the heaven."(۲

Imam Ja'far as-Sadiq (a.s.) qualted the Messenger of Allah (s.a.w.) as saying, "How will it be with you when your women will become corrupt and, your youths sinful while you will not be enjoining

p: ۱۴۴

.An-Nuri, Mustadraku 'l-Wasa'il, vol. ۱۲, p. ۲۴۱ -۱

.Al-Hurr al-'Amili, Wasa'ilu 'sh-Shi'a, vol. ۱۶, p. ۳۹۶ -۲

the good nor forbidding the evil?" The people said, "Will this happen, O Messenger of Allah?" He replied, "Yes; and even worse than that. How will it be with you when you will be enjoining the evil and forbidding the good?" The people said, "O Messenger of Allah! will this actually happen?" He said, "Yes, and even worse than that. How will it be with you when you will think of good as evil and of evil as good?"(۱)

These two obligations become more pressing when the person neglecting the good or committing the evil is one of your family members. You might find someone among your family who neglects some obligations or takes them lightly; you might find some of them

performing wudhu or tayammum or ghusl incorrectly, or does not purify his body and clothes from impurities correctly. Or does not recite the two surahs and the obligatory recitations in salat correctly; or does not purify his wealth by paying khums and zakat.

You might find someone among your family members committing some sins like masturbation or gambling or listening to songs or drinking intoxicants or eating haram meat or devouring people's property unlawfully or cheating and stealing.

You might find someone among the women in your family not observing hijab, not concealing her hair; and you might find that she does not remove the nail polish at the time of wudhu orghusl. You might even find among them someone who wears perfume for men other than her husband; and does not

p: ۱۴۵

۱- Ibid, vol. ۱۶, p. ۱۲۲.

conceal her hair or body from the eyes of her cousins (maternal or paternal), brother-in-law, or husband's friend with the justification that they all live in the same house, and under the pretext that he is like her brother, or other similar groundless excuses.

You might find someone in your family who habitually lies, backbites and infringes upon the rights of others, usurps people's property, supports the wrong-doers in their unjust activities, and harasses his neighbour, etc.

If you find any such situations, you should enjoin the good and forbid the evil by applying the first two methods: that is, expressing your displeasure at the situation, and then speaking about it. If these two methods do not work, then apply the third method (after asking the permission from the mujtahid): adopting practical [or physical] measures moving from softer to harsher ones. If that person is ignorant of the religious rules, it is your duty to teach them, if they have the intention of learning and acting accordingly.

Kindness towards People

۳۱۵. Kindness towards people, all the people, is among the recommended rituals that have been emphasized by our religion. The Messenger of Allah said, "My Lord has commanded me to be kind towards the people just as He has commanded me to fulfill the obligatory [prayers]." He also said, "If a person does not have three things, his deeds are not complete: [spiritual] armor that prevents him from disobeying Allah; noble character by which he shows kindness towards the people; and forbearance by which he repels

(the foolishness of the ignorant person."(١)

Kindness is not limited to the Muslims only. It has been narrated that Imam 'Ali (a.s.) became a travelling companion of a non-Muslim on the way to Kufa. When they reached to a crossroad, the Imam walked with him for a distance before saying farewell. The non-Muslim asked him why he walked that extra distance, the Imam replied, "This is the right of companionship, i.e. see them through for a short distance when they separate. This is what our Prophet has ordered us to do."(٢)That man accepted Islam because of this noble .gesture

An interesting story was narrated by ash-Sha'bi concerning the justice of Imam 'Ali with one of his non-Muslim subjects. He narrated that one day 'Ali bin Abi Talib went to the market and saw a Christian selling a coat of arms. 'Ali (a.s.) recognized that coat of arms and said to the seller, "This is my body armour; let us go to the judge of the Muslims." The .Muslim judge was Shurayh, and 'Ali himself had appointed him in that position

When they went to Shurayh, he said, "What is the matter, O Amiru 'l-mu'mineen?" 'Ali (a.s.) said, "This is my coat of arms which I have lost since a long time now." Then Shurayh asked the seller, "O Christian, what do you have to say?" The Christian seller said, "I am not accusing Amiru 'l-mu'mineen of lying, but the coat of arms is my property." So ,Shurayh turned to 'Ali (a.s.) and said

p: ١٤٧

.Wasa'ilu 'sh-Shi'a, vol. ١٢, p. ٢٠٠ -١

.Ibid, p. ١٣٥ -٢

I do not see [any ground on which] you can take it from his possession. Do you have a" proof [supporting your claim]?" Since 'Ali (a.s.) had no proof, he said, "Shurayh is correct [in (his judgement]."(١)

On hearing the judgment, the Christian seller said, "I bear witness that these are the laws of the prophets: the Leader of the Believers comes to a judge appointed by himself, and the judge passes a judgment against him! By God, O Amiru 'l-mu'mineen, this coat of arms is yours—I followed you in the army, and the coat of arms slipped down from your camel, so I took it. I bear witness that there is no god but Allah and that Muhammad is the Messenger of Allah." 'Ali (a.s.) said, "Now that you have become a Muslim, it belongs to you." Then he carried it on a horse. Sha'bi said that he subsequently saw the man fighting (the non-Muslims. This version of the hadith has been narrated from Abu Zakariyya.(٢)

Similarly, we have heard from Amiru 'l-mu'mineen 'Ali (a.s.) what could be considered as a historical precedence of social security that is so commonly practiced at present in the Western world. 'Ali did not differentiate between a Muslim and a non-Muslim in the Islamic state. The narrator said that one day an old blind person passed by him begging. Imam 'Ali (a.s.), "What is this?" Those who were around him said, "O said, he is a Christian!" Imam 'Ali (a.s.) answered, "You have used him

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Translator's Note: Shurayh's judgement was based on the principle that possession is -١ itself a proof of ownership, and that the claimant has to provide the proof in support of his .claim

.As-Sayyid al-Milani in Qadatuna, quoting al-Bayhaqi, as-Sunanu 'l-Kubra, vol. ۴, p. ١٣۵ -٢

until he became old and incapable, and now you are depriving him [of the benefits]! Provide for him from the public treasury."(۱) It has also been narrated from Imam as-Sadiq (a.s.), "If a Jewish person comes to sit with you, make that a good meeting."(۲)

Making Peace Between People

۳۱۶. There is a great reward in making peace between people, reconciling their differences, making them friends of one another, and lessening the gulf of disagreement between them. More so when making peace is done in a non-Muslim land far away from the homeland, family, relations, and friends. Imam 'Ali (a.s.) had given certain advice to his sons, al-Hassan and al-Husayn, just before his death after the Kharijite Ibn Muljim al-Muradi had injured him. He said, "I advise you both, all my children and family members, and whosoever to whom this letter of mine reaches: to fear Allah, to organize your affairs, to establish peace because I have heard your grandfather (s.a.w.) say, 'Making peace is better than a whole year of praying and fasting.'"(۳)

Sincere Advice for Muslim Brethren

۳۱۷. Sincere advice —that is, to wish that the blessings of Allah may continue on the believing brethren, to dislike that evil may afflict them, and to exert efforts in guiding them towards what is good for them— is among the deeds loved by the Almighty Allah.

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۳۱۸. There are countless ahadith on the importance of sincere counsel. For instance, the Prophet (s.a.w.) said, "The person with greatest status in the eyes of Allah on the Day of Judgement will be the person

p: ۱۴۹

۱- At-Tusi, at-Tahdhib, vol. ۶, p. ۲۹۲.

۲- Wasa'ilu 'sh-Shi'a, vol. ۱۲, p. ۲۰۱.

۳- Nahju 'l-Balagha (Subhi as-Salih's edition) p. ۴۲۱.

who worked most in His earth to give sincere counsel to His creatures."(١) Imam al-Baqir (a.s.) said, "The Messenger of Allah (s.a.w.) said, 'A person from among you should give sincere advice to his brother in faith as if he is advising himself.'"(٢) Imam as-Sadiq (a.s.) said, "It is necessary for a believer to sincerely advise another believer in his presence as well as in his absence."(٣) He also said, "You should be careful about advising Allah's creatures sincerely for His sake because you can never meet Allah with a deed better than that."(۴)

Spying

٣١٩. Spying —that is, snooping in order to gain information and embarrass people— is forbidden in Islamic laws. Almighty Allah has said in His Book:

O You who believe, refrain from most of suspicions because some suspicions are sins," and do not spy..." (۴٩:١٢)

Ishaq bin 'Ammar, a companion of Imam as-Sadiq (a.s.), said: I heard as-Sadiq (a.s.) saying, "The Messenger of Allah (s.a.w.) said, 'O you who have accepted Islam with your tongue [i.e., with your verbal declarations of faith] and faith is yet to enter your hearts! Do not disparage the Muslims nor disclose their frailties, because whosoever discloses their shortcomings, Allah shall disclose his; and he whose weaknesses are disclosed by Allah, will indeed be disgraced, even if he is inside his house.'"(۵)

Backbiting, Namimah

٣٢٠. Backbiting means "speaking ill of a believer in their absence with the purpose of disparaging or not, and no matter whether the alleged shortcoming was related to his body, lineage, behaviour, deeds,

p: ١۵٠

١- Al-Usûl mina 'l-Kafi, vol. ٢, p. ٢٠٨.

٢- Ibid; also see Jami'u 's-Sa'adat, vol. ٢, p. ٢١٣.

٣- Ibid.

۴- Ibid, vol. ٢, p. ١۶۴; for more information see the relevent sections in Wasa'ilu 'sh-Shi'a, vol. ١۶, p. ٣٨١-٣٨۴.

.Ibid, vol. ۱۲, p. ۲۷۵ -۵

statements, religion, or life, and other defects which are [usually] concealed from the people. Similarly, it does not matter whether the description was done by words or by (gesture."(۱

Almighty Allah condemned backbiting in His noble Book and has described it such that ,mind and body feel abhorrence towards it. He said

And some of you should not backbite the others: would anyone of you like to eat the flesh" (of his dead brother? No, you abhor it." (۴۹:۱۲

The Prophet (s.a.w.) said, "Be careful of backbiting because backbiting is worse than adultery, in that a person who commits adultery can repent and ask forgiveness from God, and Allah can forgive him whereas Allah will not forgive the backbiter until the (person who was at the receiving end forgives him."(۲

It is not appropriate for a believer to listen to backbiting against his believing brother. Indeed, it appears from the sayings of the Prophet and the Imams (may Allah bless them all) that it is obligatory upon one who hears backbiting to support the person who is being disparaged; and that if he does not repel the backbiting [against his believing brother], Allah will abandon him in this world as well as in the hereafter, and he shall be held .accountable just like the one who did the backbiting

When we talk about backbiting, another religious terminology also comes to the mind .۳۲۱ of the believer that has been equally forbidden by Islam for the sake of holding the society together. It is the

p: ۱۵۱

.As-Sayyid as-Sistani, Minhaju 's-Saliheen, vol. ۱, p. ۱۷ -۱

An-Naraqi, Jami'u 's-Sa'adat, vol. ۲, p. ۳۰۲ -۲

term known as “an-namimah” which means sowing dissension by statements like “So and so was saying this and that about you” with the intention of damaging the relationship .between the believers or increasing bitterness between them

The Messenger of Allah (s.a.w.) has said, “Shall I not inform you of the worst person among you?” People said, “Yes, O Messenger of Allah!” He said, “Those who spread slanderous rumours; those who divide friends.”(١)Imam al-Baqir (a.s.) said, “Paradise is forbidden upon the backbiters and those who spread slanderous rumours.”(٢) Similarly, Imam as-Sadiq (a.s.) said, “The spiller of blood [i.e., murderer], the alcoholic, and the one (who spreads slanderous rumours will not enter Paradise.”(٣

Suspicion. Almighty Allah has forbidden us from having suspicious thoughts. He says .٣٢٢ ,in His noble Book

O you who believe! Refrain from most of the suspicions because some suspicions are a” (sin.” (٤٩:١٢

Based on this noble Qur’anic verse, it is not permissible for a believer to entertain suspicious thoughts about his fellow Muslim without any clear proof and evidence, because no one other than Allah knows the inner-most thoughts of a person. So, as long as it is possible to place the action of a believer in a proper context, we should do so until it is pro s proven otherwise. Imam ‘Ali (a.s.) said, “Place the affair of your brother in the best possible [context] until you get a proof which convinces you [of the contrary]. And do not have suspicious thoughts about a word that comes out of

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.An-Naraqi, Jami'u 's-Sa'adat, vol. ٢, p. ٢٧۶ -١

.Al-Usûl mina 'l-Kafi, vol. ٢, p. ٣۶٩ -٢

.As-Sadûq, Thawabu 'l-A'mal, p. ٢۶٢ -٣

(your brother [in faith] while you have a positive context for it."(١)

Extravagance and Waste

,Extravagance and waste are two bad qualities condemned by Almighty Allah. He says .٣٢٣

(Eat and drink but do not waste because He does not like the squanderors."(٧:٣١"

,He has also condemned those who engage in waste by saying

Verily the wastrels are brethren of the Satans, and verily the Satan was ungrateful to his"
(Lord."(١٩:٢٧

Imam 'Ali (a.s.) wrote a letter to Ziyad in which he condemned wastage and . ٣٢٤ squandering. He wrote: "Give up lavishness and be moderate. Every day remember the coming day. Hold back from the funds what you need and send forward the balance for the day of your need. Do you expect that Allah may give you the reward of the humble while you yourself are arrogant in His view? And do you covet that He may give you the reward of those doing charity while you enjoy comforts and deny them to the weak and the widows? Certainly, a man is rewarded according to what he has done, and he shall (meet what he has sent forth."(٢

Charity

Charity for the sake of Allah: Allah has encouraged us in His noble Book to give charity .٣٢٥ ,for His sake and has described it as a deal which will never go sour. He says

Those who recite the Book of Allah, establish the prayer, and give in charity secretly as" well as openly out of what We have given them, they hope for a deal that will

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.Wasa'ilu 'sh-Shi'a, vol. ٨, chapter ١٦١ -١
.Nahju 'l-Balagha, letter no. ٢١ -٢

never go sour. Allah shall pay them their rewards in full and give them more out of His grace; indeed He is Forgiving, Multiplier of rewards." (۳۵:۲۹-۳۰)

In another chapter,

He says, "Who is there that will offer to Allah a good loan so that He will double it for him, and he shall have an excellent reward. On that day you will see the believing men and the believing women while their light shall be running before them and on their right side—[they will be told:] 'good news to you today: gardens beneath which rivers flow, to abide therein, that is the great achievement.'" (۵۷:۱۱-۱۲)

In a third verse, Allah reminds us to hasten to giving charity before death strikes. He says,

"And give in charity out of what We have given you before death comes to one of you, so that he should say, 'My Lord! Why did Thou not respite me to a near term, so that I should have given alms and been of the doers of good deeds?' And Allah does not respite a soul when its appointed term has come, and Allah is Aware of what you do." (۶۳:۱۰-۱۱)

Then Allah clarifies the end of those who hoard wealth and do not spend in charity for His sake. He says,

"(As for) those who hoard up gold and silver and do not spend it in Allah's way, announce to them a painful chastisement on the day when it shall be heated in the fire of hell,

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then their foreheads and their sides and their backs shall be branded with it; this is what (you hoarded up for yourselves, therefore taste what you hoarded." (۹:۳۴-۳۵

Imam 'Ali (a.s.) was the living example and the embodiment of the great values of Islam; he gave in charity whatever his hands could hold, preferring frugality in this transitory world and avoiding its beauties and luxuries while he had the control of the entire public treasury of the Muslims. He describes himself [in letter to his governor in Basra] as :follows

If I wished I could have taken the way leading towards (worldly pleasures like) pure" honey, fine wheat and silk clothes, but it cannot be that my passions lead me and greed takes me to choosing good meals while there may be people in the Hijaz and in Yamamah who have no hope of getting bread or who do not have a full meal. Shall I lie with a full belly while around me there may be hungry bellies and thirsty livers? Or shall I be as the poet has said,It is enough for you to have a disease that you lie with your belly full while (around you people may be badly yearning for dried meat?"(۱

Various sayings have come from the Prophet Muhammad (s.a.w.) and the Imams (a.s.) describing clearly the benefits gained by the person who gives in charity, not only in this world, but also more than what he expects on "the day when neither wealth shall benefit [a

p: ۱۵۵

.Nahju 'l-Balaghah, letter no. ۴۵ -۱

".person] nor children

Sustenance is one reward that a generous person gets. The Prophet (s.a.w.) said, "Let (sustenance flow [from God] through charity."(۱

Curing disease is another benefit of giving in charity. The Prophet (s.a.w.) said, "Cure your (sick ones through charity."(۲

Prolonging life span and averting tragic death is another result of giving in charity. Imam al-Baqir (a.s.) said, "Benevolence and charity eliminate poverty, prolong life span, and (spare the charitable person seventy kinds of tragic deaths."(۳

Fulfillment of debts and [increase in] blessings are also benefits of giving in charity. Imam (as-Sadiq (a.s.) said, "Charity fulfills the payment of debts and yields."(۴

The children of a charitable person are taken care of after blessing his death. Imam as-Sadiq (a.s.) said, "No person has given good charity in this world but that Allah has made (good provision for his children after his departure [from this world]."(۵

Imam al-Baqir (a.s.) said, "If I could take care of a Muslim family, feeding the hungry among them, clothing the naked among them, and protecting their honour in society [their having not to beg], this is preferable than going for hajj, [then another] hajj, [then a (third] hajj until I go ten times or even until I go seventy times."(۶

Doing charity for the sake of Allah is a vast subject that cannot be fully covered in this (short treatise.(۷

Gifts for Family members

The Messenger of Allah (s.a.w.) had encouraged heads of family to buy gifts for their .۳۲۶ families so as to make them happy. Ibn 'Abbas narrates from the Messenger of Allah

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.Al-Majlisi, Biharu 'l-Anwar, vol. ۱۹, p. ۱۱۸ -۱

Al-Himyari, Qurbu 'l-Asnad, p. ۷۴ -۲

.As-Sadûq, al-Khisal, vol. ۱, p. ۲۵ -۳

۴- Wasa'lu 'sh-Shi'a, vol. ۶, p. ۲۵۵.

۵- Ibid, vol. ۱۹, p. ۱۱۸

۶- As-Sadûq, Thawabu 'l-A'mal, p. ۱۷۲.

۷ - For more information on this, see as-Sayyid 'Izzu 'd-Din Bahru 'l-'Ulûm, al-Infaq fi Sabilillah.

s.a.w.) that he said, "Whosoever enters a market and buys a gift, and takes it to his family) (is like a person who do charity to those who are in need of it."(۱)

Concern for the Muslim Ummah

۳۲۷. One of the issues that the Islamic shari'a has emphasized is the the of being concerned for the affairs of Muslims. The Messenger of Allah (s.a.w.) said, "Whosoever get up in the morning and has no concern for the affairs of Muslims is not a Muslim."(۲) He also said, "Whosoever gets up without being concerned with the affairs of Muslims is not (one of them."(۳) There are many other sayings on this issue cannot be mentioned here.(۴)

Questions and Answers

۳۲۸. Question: Is it permissible to participate in the funeral ceremony of a non-Muslim, if ?he was, for example, a neighbour

Answer: If the deceased and those organizing the funeral are not known to have hatred towards Islam and Muslims, there is no problem in participating in the funeral. However, it .is better to walk behind the coffin and not in front of it

۳۲۹. Question: Is it permissible to exchange greetings and gifts with a non-Muslim, if he is .?a neighbour or a co-worker, etc

Answer: If he does not express hatred towards Islam and Muslims in words or actions, there is no problem in doing what is required in friendship like being good and charitable ,towards him. Almighty Allah has said

"Allah does not forbid you in regard to those who have not made war against you on ,account of (your) religion

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۱- As-Sadûq, Thawabu 'l-A'mal, p. ۲۳۹

۲- Jami'u 's-Sa'adat, vol. ۲, p. ۲۲۹.

۳- Ibid.

۴- See al-Usûl mina 'l-Kafi, section on "Being Concerned for Affairs of the Muslims".

and have not driven you forth from your homes, that you show them kindness and deal [with them justly; surely Allah loves the doers of justice." [۶۰:۸

Question: Is it permissible for the people of Ahlul Kitab and other non-Muslims to .۳۳۰ enter the mosques (masjid) and other Islamic places of worship [like husayniyya or imambargah which are not masjid]? And is it necessarily for us to enforce the hijab on those [non-Muslim women] who do not observe hijab and allow them to enter [the ?mosque or places of worship], if it is permissible

Answer: Based on obligatory precaution, it is not permissible for them [i.e., non-Muslims] to enter the mosque (masjid). As for their entering the places of worship, etc, there is no problem in it. If their entry [in imambargah or a husayniyya or a center] without hijab is .considered as a sign of disrespect, hijab should be enforced on the [non-Muslim] women

?Question: Is it permissible to harass a Jewish, or a Christian, or an Atheist neighbour .۳۳۱

.Answer: It is not permissible to harass them without justification

Question: Is it permissible to give charity to the poor among non-Muslims? Would a .۳۳۲ ?person get reward [thawab from Allah] for this charity

Answer: There is no problem in extending charity to [a non-Muslim] who does not show hatred against Islam and Muslims; and one who gives such a charity will be rewarded for .this deed

Question: Is it obligatory to enjoin the good (amr bi 'l-ma'rûf) and forbid the evil (nahi .۳۳۳ ('ani 'l-munkar

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in regard to those who are not followers of Islam or are from the Ahlul Kitab, who are ?receptive, without any harm coming our way

Answer: Yes, it is obligatory, provided that the other conditions also exist. One of those other conditions is that the person to be admonished should not have an excuse for doing the evil or neglecting the obligation. Being ignorant out of negligence is not an acceptable excuse. So, such a person should first be guided to the right conduct, and then if they do .not act accordingly, they should be asked to do good or be forbidden from doing evil

However, if the evil deed is of a category that one knows Allah does not like it to happen in any circumstances —like creating corruption in the earth, killing an innocent person, etc— .it is necessary to prevent it, even if the doer is ignorant out of innocence

Question: In European schools, there are teachers who do not believe in any religion .۳۳۴ and reject the idea of God in front of their pupils. Is it permissible for Muslim pupils to ?remain in such schools, knowing that they can be greatly influenced by their teachers

.Answer: It is not permissible; and the guardian of the child is fully responsible for that

Question: Is it permissible for male and female pupils /students in elementary and .۳۳۵ secondary schools to mix when one knows that this mixing will surely lead one day to a forbidden act by the male or the

?female student, even if that is just [as minor an act as] a forbidden glance

.[Answer: It is not permissible under the circumstances described [in the question

Question: Is it permissible for a Muslim man to go to a mixed swimming pool with the .۳۳۶ knowledge that the women there swimming suits form and would not listen to any ?admonishing

Answer: Although looking without bad thoughts or lustful intentions at the women who are indecently dressed (and who would not listen to you if you wish to admonish them) is .allowed, yet based on obligatory precaution, going to such places is absolutely forbidden

Question: Is it permissible for those who reside in the West to send their muhajjaba .۳۳۷ daughters to co-ed schools (irrespective of whether or not education is compulsory) while there exist non co-ed schools which obviously are expensive, located faraway or of a low ?academic standard

Answer: It is not permissible, [even] if it [just] corrupts their character, let alone if it harms !their beliefs and commitment to the faith which is what normally happens

Question: Is it permissible for a Muslim youth to accompany the girls who study with .۳۳۸ .?him in foreign universities for walking together, in vacation tours, etc

.Answer: It is not permissible, except with surety that he will not commit a forbidden act

?Question: Is it permissible to look at a passionate scene taking place on the street .۳۳۹

Answer: It is not permissible to look at it with lustful intentions or with ill thoughts; rather, based on obligatory precaution, one

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.should refrain from watching it totally

Question: Is it permissible to go to a mixed [i.e., co-ed] cinema and other haram places .۳۴۰ of entertainment without having any guarantee that one will not engage in a forbidden ?act

.Answer: It is not permissible

Question: Is it permissible to swim in a mixed swimming pool without having any .۳۴۱ ?lustful intention

Answer: Based on obligatory precaution, it is not permissible to go to the places of .indecency at all

Question: Is it permissible to go to sea beaches and public parks during sunny days .۳۴۲ ?for walking while one might come across scenes which are against the norm of decency

Answer: Without a guarantee that one will not commit a forbidden act, it is not .permissible

Question: In European countries, public baths are built with certain considerations. .۳۴۳ Whether or not it is in the direction of qibla is not one of their considerations unlike the :situation in Muslim countries

a. Is it permissible for us to use such facilities, if we do not know where the direction of ?the qibla is

b. And if we know the baths do face the direction of the qibla, is it permissible for us to ?use them? If it is not permissible, what is the solution

:Answer

a. In the first case, based on obligatory precaution, it is not permissible to use them except after failing to know the direction of the qibla and that it is not possible to wait or that waiting would entail harm and place the person in

.difficulty

b. In the second case, based on obligatory precaution, it is necessary —while using the bathroom— to refrain from facing the qibla or turning one's back to it. However, in the event of emergency, one should sit with their back towards the qibla. This is based on .obligatory precaution

Question: Suppose that Muslim, residing in a non-Muslim country finds a suitcase (full .۳۴۴ ?of clothes) with or without the owner's nametag on it. What should he do with it

Answer: A suitcase of personal belongings normally has the nametag through which the owner can be contacted. If he knows that it belongs to a Muslim or a non-Muslim whose property is sacrosanct (or even if there is a likelihood —a considerable likelihood— [that it belongs to a non-Muslim whose property is sacrosanct]), it is necessary for him to announce it for one whole year that he has found that item [so that the owner can come forward and claim it]. If he cannot find the owner [even after the lapse of one year], he .should, based on obligatory precaution, give it in charity

However, if he knows that it belongs to a non-, it is permissible for him to keep it .۳۴۵ provided that he is not legally bound to announce what he finds in that country or to hand it over to the authorities, etc.(۱) In the latter case, he is not allowed to take possession of it; rather it is compulsory on him to act in accordance with the legal

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۱ - Translator's Note: Agreement, in the above context, means "the immigration ."agreement made between the host country and the immigrant

.undertaking

Question: If I find an item in a European country without any distinctive sign on it .۳۴۶ ?[identifying the owner], is it permissible for me to keep it

Answer: If it has no distinctive sign by which one can contact the owner, it is permissible .for you to keep it except in the case [of the legal undertaking] mentioned earlier

Question: Some people, be they Muslim or non-Muslim, in the West approach you .۳۴۷ with expensive items for sale at a price so cheap that the potential buyer is almost convinced that the item is stolen. Is it permissible to buy it, if one knows for sure, or feel a ?strong probability, that it is has been stolen from a Muslim

Answer: If one knows or gets a strong feeling that the item has been stolen from a person .whose property is sacrosanct, it is not permissible to buy it or keep it

Question: The price of cigarettes is very high in Western countries. Would it be .۳۴۸ forbidden to buy them because of extravagance and waste, especially when one knows [?that they are harmful [to one's health

Answer: It is permissible to buy them; and using them would not become haram for the reasons mentioned [in the question]. Of course, if smoking causes great harm to the smoker while quitting it can cause him no harm or lesser harm, it is necessary for him to .quit it

Question: There are machines used in telephone tapping. Is it permissible to use such .۳۴۹ devices without the

p: ۱۶۳

?knowledge of the intended person in order to use it against them when the need arises

Answer: It is not obligatory on one speaker to ask the permission of the other speaker to record the conversation on the telephone line. However, he is not allowed to publicize it or let others listen to it if it will cause an insult of a mo'min or disclose his secret — unless .that is over-ridden by another equal or more important obligation

Question: A photographer is asked to take pictures at a wedding reception where .۳۵۰ ?intoxicating drinks are served. Is this permissible for him

Answer: It is not permissible to take pictures of the scenes of drinking intoxicants and .other forbidden substances

?Question: What are the limits of obeying one's parents .۳۵۱

:Answer: The duty of a child towards his parents is of two kinds

a. The First: To be kind towards them by providing for them, if they are in need. To provide for their day-to-day needs. To respond to their requests that are related to their daily lives at a level that is normal and usual for a human being, in the sense that if he refuses to fulfill them, it would be regarded as "not being good to them" — and that would .differ depending on whether they are healthy and strong or ill and weak

b. The Second: To behave towards them kindly, by not offending them in word or action, even if they are unjust to him. In some religious text, it

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".'says, "And if they hit you, do not shun them; instead say, 'May Allah forgive you

This is as far as it relates to the parents' situation. As for those issues concerning the affairs of the child himself by which he could offend one of the parents, these are of two :kinds

a. The First: If the parent's distress results from his concern for the child, it is forbidden for the child to do something that would distress his parent, irrespective of whether or not .the parent has prevented him from it

b. The Second: If the parent's distress results from of his own evil characteristics (for example, dislike for the good of this world or the hereafter for his child), this kind of distress has no bearing on the child, thus, it is not obligatory on the child to submit to this .kind of desires

It becomes clear from this that, on its own, obeying the parents in their personal .commands is not obligatory. And Allah knows the best

Question: Some parents fear for their concerning enjoining the good and forbidding .۳۵۲ the evil [and, therefore, ask them not to embark on this road]. So, is it obligatory to obey them in this matter, especially if the child knows that his advice will be effective and there [?is no danger to him [in doing amr or nahi

Answer: When it becomes obligatory upon the child [to do amr or nahi], with all the conditions present, no creature can be obeyed in exchange of

.disobeying the Creator

Question: A son argues with his father or a daughter with her mother, over a serious .۳۵۳ day-to-day issue, in a heated manner that causes distress to the parents. Is this permissible for the children, and what is the limit when a child is not allowed to argue with ?the parent

Answer: A child is allowed to discuss with the parents in matters that he or she thinks are not right; but the child must observe politeness and respect in the discussion; he or she should not angrily look at them, nor raise his voice over theirs, let alone use harsh words .and expressions

Question: If a mother advises her son to divorce his wife with whom she has . ۳۵۴ differences, is it obligatory upon him to obey her in this matter? What if she says, "You are "?an 'aq child,(۱)if you do not divorce her

Answer: It is not obligatory on him to obey her in this matter, and her statement [about him becoming disobedient] has no effect whatsoever. Of course, as mentioned earlier, it .is necessary for him to hold back from any insulting statement or action towards her

Question: A father hits his child severely that it leaves blue or red marks on his skin— .۳۵۵ is it obligatory upon the father to pay indemnity for bodily injury? Is the rule different if ?the person who hit the child was not his father

Answer: The indemnity is obligatory upon the one who hits [in the way described above], regardless of whether

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.ãq means a child who is disobedient to his parents -۱

he is the father or someone else

Question: If a Muslim is sure of his father's displeasure —although he has not heard .٣٥۶ him say no— in his travelling abroad, is it permissible for him to travel, should he know ?that the journey is good for him

Answer: If being kind towards the father —in the context mentioned earlier in the answer to a previous question— demands that the son should be close to him, or that the father will be in distress out of his concern for the son, he should not embark on travelling as long as he will not be in loss; otherwise, it is not necessary for him to refrain [from .[travelling

Question: Is it part of righteousness for the wife to serve in-laws? Is it part of . ٣٥٧ ?kindness for the husband to be considerate of his in-laws, especially in foreign countries

Answer: There is no doubt it is part of righteousness and an example of kindness towards .the husband or the wife; but it is not obligatory

Medical Issues

Introduction

Because of the scientific and technological advancements in the West, the Muslims travelling to these countries seeking treatment are increasing, just as the Muslim .residents in these parts of the world need medical treatment

General Rules

It is not permissible to perform autopsy on the body of a dead Muslim for the sake of .٣٥٨ education and other purposes. It is only permissible, if the life of another Muslim depends .on it—even if it is sometime in the future

It is permissible .٣٥٩

p: ١۶٧

to transplant an organ from an animal (including dogs and pigs) to a human being; the transplanted organ will be considered as an organ of the recipient; all rules will apply to it. So salat will be permissible with it by considering it ritually pure (tahir) after it becomes part of the human body and its cells become rejuvenated. (See the question-answer (.section below

It is not permissible for a doctor to switch off the medical apparatus providing a .۳۶۰ Muslim patient with oxygen, even if he is brain dead, i.e. in vegetative state. This is .because the human life in Islam is sacrosanct

The doctor should not give in to the demand of the patient or his family-members for stopping medical aid. If the doctor pulls out the plug and the Muslim patient dies because .of it, he will be considered killer

It is not permissible for a medical student to look at the private parts of anyone during .۳۶۱ his or her training for that profession, unless he would be repelling serious harm from a —. Muslim in the process—even if it is sometime in the future

It is not obligatory on a Muslim to investigate whether or not the medicine [given to .۳۶۲ him] consists of forbidden ingredients, even if the process of reading a result is easy for .him

Question and Answers

Question: The serious harm of narcotic drugs to the user or society in general . ۳۵۲ (whether from being addicted to them or other [sociatal, familial, and ethical] reems) is ,well known. Therefore

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the doctors and health care professionals are strongly opposing the misuse of drugs and the laws governing the society is also strongly against it. So, what is the view of the noble ?shari'a on this matter

Answer: By considering the serious harm of narcotic drugs, it is forbidden to use them due to the great damage they cause. Based on obligatory precaution, it is compulsory to refrain from using them in any way [even if there is no harm], except for medical purposes and the like; in the latter case, it can be used only to the extent of need. And .Allah knows the best

Question: Medical literature states that smoking is the main cause for heart and .۳۵۳ cancer diseases, and it also shortens the life span of the smoker. So, what is the rule on smoking concerning (a) the beginner, (b) the compulsive smoker, and (c) the passive smoker? In the third case, the medical experts say that the smoke also harms a person sitting besides a smoker. What would be, the ruling if he considers passive smoking to be ?of considerable harm

:Answer

a. Smoking becomes haram for the beginner if it entails serious harm, even at the future, regardless of whether that serious harm is certain, most probable, or just probable so much so that sensible people would demand caution. However, with the protection from serious harm (for example, by smoking less frequently), there is no .problem in it

b. If continuing to smoke will cause serious harm to

the compulsive smoker —as explained above— it is necessary for him to refrain from it unless the harm in quitting is similar, greater than to the harm in continuing, or the great .difficulty that he will face in quitting is such that it cannot be normally tolerated

.c. The same rule as explained in (a) for the beginner, applies in this case also

Question: Some people believe that a brain-dead person is a dead person, even if the .۳۵۴ heart has not yet stopped and that it will definitely stop after that. This is what the doctors say. Is a person who has been pronounced brain-dead be considered dead, even if his ?heart is still working

Answer: The criterion in applying the term "dead" in so far as the application of religious laws goes is the common perception of people, in the sense that they would call him ."dead". And this is not proven in the situation mentioned in the question

Question: The medical profession demands that the doctor checks his female patients .۳۵۵ carefully; and since getting undressed for medical checkup is common in some European ?countries, is it permissible to engage in medical practice here in such circumstances

Answer: It is permissible, if one refrains from forbidden looking and touching, except .where the check up of the patient requires them

Question: Sometimes the practising physician feels that he has to uncover certain .۳۵۶ parts, other than the private parts, of the female patient [for examination]. Is it permissible for him to uncover her

p: ۱۷۰

:body in the following circumstances

?d. When a female physician is available, yet costly

?e. When the patient is not in danger, although she is sick regardless

?f. What is the rule if the part that the physician has to examine is a private part

:Answer

a. If visiting a female physician is possible, it is not permissible [for a female patient to uncover her body for a male physician], unless the cost is so much that it will hurt her .financial situation

b. It is permissible, if not visiting that male physician will harm [her health-wise] or put .her in a serious inconvenience that is not normally tolerated

c. The rule is the same as explained above; and in both the cases, he must only uncover the parts that need examining. And if it is possible to treat the case without looking directly at the parts that are haram to look at (for example, if he can see through a .monitor or a mirror), that should be the course of action, based on precaution

Question: Some experts of genetic engineering claim that they can improve the . ٣٥٧ :human race by altering the genes in the following ways

;g. Removing the ugliness of the face

;h. Replacing it with beautiful characteristics

.i. By both of the above

Is it permissible for the scientists to engage in these kinds of activities? Is it permissible ?for a Muslim to allow the doctors to alter his genes

,Answer: If there are no side effects, then, in principle

.there is no problem in it

Question: Pharmaceutical companies in the West run tests on the drugs they .۳۵۸ manufacture before selling them in the market. Is it permissible for a doctor to use a drug on his patient —without the knowledge of the patient— before its testing period is over ?thinking that that particular drug would cure the disease

Answer: It is necessary to inform the patient about the situation and seek his consent on using the drug on him, except when he is sure that the drug would not cause side effects .[and that the doubt is only about its benefit [or otherwise

Question: In certain cases, some governmental agencies demand that autopsy be .۳۵۹ performed on the body of the deceased to establish the cause of death. When is it ?permissible to agree to their demand and when is it not

Answer: No heir of a deceased Muslim is allowed to give consent for autopsy to be carried out on the body of the deceased for the purpose mentioned above and other similar purposes; and it is necessary for him to prevent the autopsy if possible. Of course, if another important factor comes into play that is of equal or more importance than this .basic rule, it is permissible

Question: Is donating an organ by a living person to another living person (for .۳۶۰ example, a kidney) or by a dead person, by virtue of his will, to a living person permissible? Would the ruling be different, if it were from a

p: ۱۷۲

Muslim to a non-Muslim or vice versa? Is the ruling confinable to certain organs to the ?exclusion of others

Answer: As far as donating an organ by a living person to another person is concerned, there is no problem in it if it does not entail a serious harm to the donor. (For example, (.donating one kidney by a person who has another healthy kidney

As far as removing an organ from a deceased (as directed in his will) for the purpose of :transplanting it into a living person is concerned, there is no problem in it so long as

.j. The deceased was not a Muslim or someone who is considered a Muslim

.k. Or the life of a Muslim depended on such transplantation

Apart from these two cases, there is a problem in enforcing the will [of the deceased] and in allowing the removal of the organ. However, if the will had been made [by the deceased], there will be no indemnity on the person removing the organ from the dead .body

Question: If an organ of an atheist is transplanted in a Muslim's body, would it be .۳۶۱ considered ritually pure (tahir) when it is considered, after transplantation, as part of the ?Muslim's body

Answer: An organ extracted from the body is ritually impure (najis) irrespective of whether it came from a Muslim or a non-Muslim. And when it becomes, by rejuvenation, .part of a Muslim's body or of someone who is considered a Muslim, it becomes tahir

Question: Insulin used for .۳۶۲

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?treatment of diabetics is sometimes extracted from the pancreas of pigs. Can we use it

.Answer: There is no problem in injecting insulin in the muscles, veins or under the skin

?Question: Is it permissible to transplant the liver of pig in a human's body .۳۶۳

Answer: It is permissible to transplant pig's liver into the body of a human being. And Allah .knows the best

Question: Is the process of test-tube babies allowed? In the sense that the wife's .۳۶۴ ovum and the husband's sperm are extracted to be fertilized outside the body, and then .[placed in the womb [of the wife

.Answer: In principle, it is allowed

Question: There are certain hereditary diseases that are transferred from parents to .۳۶۵ children and pose a danger to their lives in the future. Modern science has acquired the means of preventing some of such diseases by fertilizing the woman's ovum in a test tube and examining the genes to eliminate the problematic ones. Then it is returned the woman's womb. The remaining genes [i.e., ova] are destroyed. Is this religiously ?permissible

.Answer: In principle, there is no problem in it

Question: In the process of fertilization in a lab, more than one ovum is fertilized at a .۳۶۶ time. Secured in the knowledge that implanting all fertilized ova in the mother's womb will endanger her life. Is it permissible for us to use only one fertilized ovum and destroy the ?remaining ones

Answer: It is not obligatory to implant all the fertilized ova in a test tube into the

p: ۱۷۴

.womb. Therefore, it is permissible to use one ovum and destroy the remaining ones

Question: Is it permissible to engage in embellishing the face and the body [of another .۳۶۷ [?person

Answer: It is permissible, provided that one refrains from looking and touching what is .haram to look at or touch

AIDS

AIDS or Acquired Immune Deficiency Syndrome is a disease that has afflicted, based on ۱۹۹۶ data, eight million people worldwide and there are about twenty-two million who carry the AIDS virus. The latest data show that one and a half million people have died of AIDS in the year ۱۹۹۶ only, bringing the total number of those who died of the disease to six million! This was announced by World Health Organization on the International Aids .Day on ۱ December ۱۹۹۶

:Doctors have identified the following ways in which AIDS is transmitted

a. Sexual intercourse between members of the same sex or the opposite sex [in which one member is already afflicted]. This represents the most dangerous and widespread .method of the spread of AIDS. The chance of transmission through this method is ۸۰٪

b. Through blood vessels: by transfusion; by injection (especially in the case of drug addicts); by open wounds; and organ transplantation, and even through surgery if the .instruments are not properly sterilized

c. The feotus can be afflicted while in the womb or at the time of birth if the mother is .already afflicted with AIDS

The data indicate that this disease has affected all countries and that no nation is immune against

p: ۱۷۵

it; and that the majority of the victims are male. Diseases that had been eradicated have again started reappearing because of the AIDS epidemic (e.g., pulmonary tuberculosis).

Against this background, we presented the following questions to his eminence, Ayatullah Sistani:

٣٦٨. Question: What is the rule concerning isolating an AIDS patient? Is it obligatory on him to isolate himself? Is it obligatory on his family to isolate him [from the public]?

Answer: It is not obligatory on him to isolate himself just as it is not obligatory on others to do so. Indeed, it is not permissible to prevent him from frequenting public places like masjid, etc, as long as there is no danger of infecting the others with the virus. It is, however, obligatory for him as well as others to be careful in situations where there exists certainty or probability of infecting others.

٣٦٩. Question: What is the rule on intentionally infecting others with the AIDS virus?

Answer: This is not allowed. If it leads —even after the passage of time— to the death of the person who has been infected, then the heirs of the deceased have the right of retribution from the person responsible for causing to demand the infecting, provided that the latter was aware that that infection could lead to death; but if he was ignorant of that effect, or unaware of it, at that time, only indemnity (blood money) and penalty would apply.

٣٧٠. Question: Is it permissible for a person infected with AIDS to marry a person who

p: ١٧٦

?is free from it

Answer: Yes; but it is not permissible for him or her to mislead the other party by deliberately presenting himself or herself as free from AIDS at the time of proposing while they are not. Similarly, it is not permissible for him or her to become intimate in a .way that would infect the other partner

However, if there is only a probability of infection and no certainty, then it is not obligatory .for him or her to refrain from intimacy, provided that there is agreement on it

Question: What is the ruling on marriage between two people who are carriers of the .۳۷۱ ?AIDS virus

Answer: There is no problem in it. However, if sexual relation between them is bound to .worsen the disease to a serious level, it is necessary for them to refrain from it

Question: What is the ruling on the sexual relations of an AIDS patient? Is it .۳۷۲ permissible for a non-infected person to refuse sexual relation with their spouse because ?sexual intercourse is one of the main ways of transmitting the virus

Answer: It is permissible for a non-infected wife not to make herself available to her infected husband for intimacy that could lead to infection by the virus. It is indeed .obligatory on her to prevent him from such intimacy

If it is possible to lessen the chances of infection to a level that is insignificant —for example, ۲٪— by using condom, etc, it is permissible for her to be intimate with her husband. In

p: ۱۷۷

such a case, it is, based on precaution, not permissible for her to refuse [intimate relations .[with her husband

This clarifies also the case of a husband who is not a carrier of the virus and wife who is: it is not permissible for him to have sexual relations with her in accordance with what sensible people perceive as considerable risk— of being infected by the virus. In such a case, the wife's right to have sexual relations [at least once] every four months is suspended, except when it becomes possible to adopt methods that would properly .prevent infection with the virus

Question: What is the ruling concerning the right of the non-infected spouse in . ۳۷۳ ?seeking separation

Answer: If deception was involved in the marriage, in the sense that the husband or the wife concealed the fact that they had AIDS at the time of proposing, engagement, so much that the marriage contract ('aqd) was recited based on that understanding, the .deceived party has the right of annulment

However, if the wife or her representative did not say anything about the issue of the disease and the husband assumed that she is free from it, the silence does not count as .deception and, it therefore, does not yield the right of annulment

If there was no deception or the disease flared up after the marriage, the non-infected husband has the right to divorcing his infected wife. Does the non-infected wife have the right to ask for divorce from her infected husband on the grounds

p: ۱۷۸

?that she is being deprived of her conjugal rights

There are two views [on this]; precaution should not be ruled out in this case. Of course, if her husband abandons her completely and she becomes like a suspended woman [neither married nor unmarried], it is permissible for her to take her case to the religious judge(١) to force her husband to choose one of two courses: either end the abandonment .or divorce her

Question: What is the ruling on the divorce of a woman whose husband is AIDS .٣٧۴ ?patient

.Answer: It has already been mentioned above

Question: What is the ruling on abortion for a pregnant woman who is infected with .٣٧۵ ?AIDS

Answer: It is not permissible, more so after the soul has entered the feotus. Of course, if continuation of the pregnancy poses a danger to the mother, it is permissible for her to .abort it before the entering of the soul in the feotus, but not after it

Question: What is the ruling on the custody of an infected mother with regard to her .٣٧۶ ?non-infected baby and also on breast-feeding

Answer: She does not lose the right of custody of her baby; but she must adopt sufficient methods to ensure that the virus does not infect the baby. If it is probable —a considerable probability— that the virus may be transmitted through breast-feeding, it is .\necessary for her to refrain from it

?Question: What is the virus on considering AIDS as terminal illness .٣٧٧

Answer: Since this disease lasts long, what can be classified

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١ - Translator's Note: "Religious judge" means the mujtahid or someone authorized by .him in judicial matters

as terminal is its last stage only which is closer to death that is brought about by the disruption and complete destruction of the immune system or the occurrence of fatal .nervous breakdown

Question: When a person is diagnosed as having ADIS, is it permissible for the doctor .۳۷۸ ?or is it obligatory on him to inform the patient's relatives, especially their spouse

Answer: It is permissible to inform them, if the patient or his guardian gives consent. It is obligatory if the survival —for a longer time span— of the patient depends on it. It is similarly obligatory, if he knows that by not informing them, the virus would infect them .for not taking necessary precautions. And Allah knows the best

Question: If a Muslim knows that he contracted AIDS, is it permissible on him to .۳۷۹ ?engage in sexual relations with his wife? Is it obligatory for him to inform his wife about it

Answer: If he knows that the virus can infect her through sexual relations, it is not permissible for him at all. Similarly [it is obligatory on him to refrain from sex] if there exists a considerable level of likelihood [of infection], except in the case where the wife .knows about it and agrees to it

Marriage

Introduction

The Islamic legal system regulates the relationship between members of the opposite sex covering its various important aspects and expanding on its details. That is because it is an important need of the human race and many issues relating to the individual

p: ۱۸۰

.and society are based on it

There are many rules concerning the relationship between man and woman. Yet, I shall confine myself only to the ones that are relevant to Muslims residing in non-Muslim .countries

General Rules

Marriage is among the highly recommended deeds. The Prophet has said, . ٣٨٠ "Whosoever marries, he has protected half of his religion."(١) He also said, "Whoever likes to follow my tradition, then [he should know that] marriage is of my tradition."(٢) In another hadith, he said, "No Muslim man has gained a benefit besides Islam better than a Muslim wife who is a source of his pleasure whenever he looks at her, who obeys him (when he commands her, and remains faithful to him when he is away."(٣

Man should give importance to the qualities of the woman he would like to marry. He .٣٨١ should not marry except a woman who is chaste, honourable, of good lineage, and righteous. She should be a source of help to him in the affairs of this world and the .hereafter

And should not confine his choice to the woman's physical beauty and wealth. It has .٣٨٢ been narrated from the Prophet (s.a.w.) that he said, "O People! Beware of the green grass [growing] in a waste site." Someone asked, "O Messenger of Allah! And what is the (green grass in a waste site?" He replied, "A beautiful woman in an evil environment."(۴

The woman and her guardians should give importance to the qualities of the man she .٣٨٣ chooses to marry. She should

p: ١٨١

.Wasa'ilu 'sh-Shi'a, vol. ٢٠, p. ١٧ -١

Ibid, p. ١٨ -٢

.As-Sistani, Minhaju 's-Saliheen, vol. ٢, p. ٧ -٣

.Wasa'ilu 'sh-Shi'a, vol. ٢٠, p. ٣۵ -۴

not marry except a man who is religious, chaste, of good character, not a drunkard or .someone who commits sins and evil deeds

It is better not to reject the proposition of a man who is religious and of good .٣٨۴ character. The Prophet has said, "When a man whose religion and character pleases you comes to you [with a proposition], then marry him. If you do not do so, there will be chaos (and a great corruption in the world."(١

It is mustahab (recommended) to work in getting people married, in being .٣٨۵ .intermediary, and in bringing the two parties to an agreement

It is permissible for a man to look at the attractive features of the woman he intends .٣٨۶ to marry. Similarly, it is permissible to talk to her before proposing. So, it is permissible to look at her face, hair, neck, hands and wrists, and legs and other parts of her body, provided that he does not so without sexual gratification. (See the question-answer (.section below

In Islamic law, marriage is of two kinds: permanent and temporary. Permanent .٣٨٧ Marriage means the marriage in which there is no fixed time. The wife in this marriage is (known as "the permanent wife".(٢

Temporary Marriage means the marriage in which the time limit is fixed to a year or more (or less. The wife in this marriage is known as "the temporary wife".(٣

The formula for solemnizing the permanent marriage is as follows: The woman says .٣٨٨ to the man: "Zawwaj-tuka nafsi bi mahrin

p: ١٨٢

At-Tusi, Tahdhibu 'l-Ahkam, vol. ٧, p. ٣٩۵. Also see the chapter on compitability in - ١ .marriage in the same book, p. ٣٩۴ff

For more information on marriage and its laws, see Sayyid 'Izzu 'd-Din Bahru 'l-'Ulûm, - ٢ az-Ziwaj fi 'l-Qur'an wa 's-Sunnah. [Also see Sayyid Muhammad Rizvi, Marriage and [.Morals in Islam

For more information on temporary marriage and its laws, see Sayyid Muhammad Taqi - ٣ .al-Hakim, az-Ziwaju 'l-Muwaqqat wa Dawruhu fi Halli Mushkilati 'l-Jins

qadruhu x — I give myself to you in marriage for the marriage gift which is x." (In place of "x" mention the agreed marriage dowry [mahr].) The man immediately says, "Qabiltut ".tazweej — I accept the marriage

The formula for solemnizing the temporary marriage is as follows: The woman says to the man: ""Zawwaj-tuka nafsi bi mahrin qadruhu (x) li muddati (x) — I give myself to you in marriage for the dowry of (x) for the time period (x)." (In place of first "x" mention the agreed mahr and in place of the second "x" mention the agreed time.) The man ".immediately says, "Qabiltut tazweej — I accept the marriage

It is permissible for the couple to recite the formula of marriage agreement by .۳۸۹ themselves or by appointing representatives who will recite it on their behalf. There is no condition for the presence of witnesses during the solemnization of the marriage, just as .the presence of a cleric is not a condition for the validity of the marriage

For a person who cannot recite the formula of marriage in Arabic, it is permissible to .۳۹۰ say it in a language that would convey the meaning of marriage, even if he can appoint .someone to say it in Arabic

A Muslim man is allowed to marry a Christian or a Jewish woman in temporary .۳۹۱ marriage. Based on precaution, it is obligatory to refrain from marrying a non-Muslim .woman in permanent marriage

A Muslim man is not allowed to marry, neither permanently nor

p: ۱۸۳

temporarily a non-Muslim woman who is not among Ahlul Kitab. Based on obligatory precaution, a Muslim man must refrain from marrying a Zoroastrian woman, even .temporarily

As for a Muslim woman, she is not allowed to marry a non-Muslim man at all. (See the (.question-answer section below

In marrying a virgin woman, whether Muslim or from Ahlul Kitab, it is necessary to get .۳۹۲ the consent of her father or paternal grandfather, if she is not independent. However, it is precautionarily obligatory to seek their consent [i.e., of the father or the paternal grandfather], even if she is independent. Consent of the woman's brother, mother, sister .or other relations is not required

The consent of the father or the paternal grandfather to marry a virgin woman, who .۳۹۳ [:is both adult and sensible, is not required [in the following cases

a. if they stop her from marrying someone who is her equal in the eyes of both shar'ia ;and common practice

;b. if they completely withdraw from the involvement in her marriage

.c. when it is not possible to get their consent because of their absence

.In these cases, she is permitted to marry, if she is in need of marriage

The consent of the father or the paternal grandfather is not required in the marriage .۳۹۴ of a non-virgin woman (that is, a girl who had previously married and had sexual intercourse). But the case of the woman who had lost her virginity because of fornication or another cause is like that of a

.virgin

In countries where the majority of people consists of atheists and Ahlul Kitab, i.e. non- .۳۹۵ Muslims, it is necessary for a Muslim to ask the woman whom he wants to marry about her religion so that he may ensure that she is not an atheist and thus the marriage be .valid. Her answer [about her faith and religion] is to be accepted

A Muslim man who is married to a Muslim woman is not allowed, in his concurrent .۳۹۶ second marriage, to marry an Ahlul Kitab woman, i.e. a Jew or a Christian, without asking the consent of his Muslim wife. Based on obligatory precaution, the man should refrain from marrying her, even it is temporary and his Muslim wife consents to it. Whether or (.not the Muslim wife lives with him is irrelevant. (See the question-answer section below

It is not permissible to engage in sexual relations with an Ahlul Kitab woman without a .۳۹۷ marriage contract, even if the government of her country is in a state of war with (.Muslims. (See the question-answer section below

Based on obligatory precaution, one should refrain from marrying a woman whose .۳۹۸ notorious for adultery, unless she has repented. Similarly, based on obligatory precaution, the adulterer should not marry the woman with whom he committed adultery, unless she (.has repented. (See the question-answer section below

If the marriage that took place among non-Muslims is valid according to their custom, .۳۹۹ such marriage is also considered valid by us regardless of whether the spouses are

p: ۱۸۵

both Ahlul Kitab, both non-Ahlul Kitab, or one is an Ahlul Kitab and the other is non-Ahlul Kitab. When both spouses embrace Islam together, they will remain married based on the past marriage, i.e. there would be no need to recite the marriage formula anew .according to the tradition of our religion and school of thought

If the father withdraws his guardianship from his virgin daughter and considers her .۴۰۰ independent, after reaching the age of eighteen, as is common in the West, it is .permissible to marry her without getting the consent and approval of her father

It is permissible for the husband and wife to look at the body of one another, outside" .۴۰۱ and inside, including the private parts; and also to touch any part of one another with any (part of their own body with lust and without it."(۱

It is obligatory on the husband to provide for the wife if she is a permanent wife and .۴۰۲ obedient to him in matters in which she is required to obey him. In this case, it is obligatory on the husband to provide whatever the wife needs in her life like food, dress, and accommodation with the required amenities like fan, air-conditioner, carpets, furniture, etc. that are commensurate with her status as his wife. Such status would differ according to place, time, circumstances, common perceptions, customs, standard of (.living, etc. (See the question-answer section below

It is obligatory on the husband to pay for his wife when he asks her .۴۰۳

p: ۱۸۶

.Ibid, p. ۱۱ -۱

to accompany him in his travels. It is similarly obligatory on him to meet her travelling expenses when she goes on a journey that is necessarily connected to the affairs of her life. For example, if she is sick and her treatment depends on traveling to a specialist, it is .obligatory on the husband to pay for the expenses, her ticket as well as medical charges

It is not permissible to neglect sexual relations with a young wife for more than four" .۴۰۴ months, unless there is an excuse like unbearable difficulty or harm [in fulfillment of that duty] or unless she agrees to it [that is, forgoes her conjugal rights] or if it was part of their .agreement at the time of marriage

Based on obligatory precaution, this rule is not limited to the permanent wife, i.e. it" includes the temporary wife also. Similarly, based on obligatory precaution, it is not restricted to the husband who is present. It also includes the husband who is travelling. Therefore, it would not be permissible for him to prolong his journey, (without valid reason), if it entails depriving the wife of her right, more so when the journey is not (regarded as essential in the people's eyes, i.e. a vacation or pleasure."(۱

It is not permissible for a Muslim woman to marry a non-Muslim man in permanent" .۴۰۵ (or temporary marriage."(۲

If the husband harasses his wife and is spiteful towards her without any valid reason," .۴۰۶ it is permissible for her to present her case

p: ۱۸۷

.As-Sayyid as-Sistani, Minhaju 's-Saliheen, vol. ۲, p. ۱۰-۱۱; also see the last reference -۱

.Ibid, p. ۶۷ -۲

to the religious judge who will force him to live with her in an amicable manner if that is possible, or censure him as he seems fit. If that also does not work, she can demand divorce from her husband. If he refuses to divorce her and it is not possible to force him to divorce her, the religious judge will pronounce her divorced."

۴۰۷. It is permissible to artificially inseminate the wife with her husband's sperm, provided that the process of insemination does not involve a haram act, like looking at the body parts that are forbidden and other haram acts. (See the question-answer section below.)

۴۰۸. It is permissible for a woman to use contraceptives (the pill) to prevent pregnancy, provided that it does not damage her health in a serious manner, irrespective of whether or not the husband has agreed to it.

۴۰۹. It is permissible for a woman to use Intrauterine Devices (IUD) and other birth control devices provided that they do not pose serious harm to the woman's health and that the insertion of the device does not involve a haram act, such as the male touching or looking at the private parts of the woman's body that are forbidden for him to look at. Similarly, it should not involve the female looking at, and touching without gloves the private parts that are haram to touch or look at. Moreover, the IUD should not cause the abortion of the fertilized ovum after its implantation [in the womb].(۱)

۴۱۰. It

p: ۱۸۸

۱- Translator's Note: "The medical experts do not exactly know how IUD works. Presently there are two opinions: one says that the IUD prevents fertilization; and the other says that it prevents the fertilized ovum from implantation onto the uterus. Since the shar'i pregnancy begins at implantation, there is no problem in using the IUD as a birth control device irrespective of the above differences among professionals." Marriage Morals in Islam (Toronto: IEIC, Revised Edition, ۱۹۹۴) p. ۱۲۱.

is not permissible for a woman to abort the feotus after the soul has entered into it, irrespective of the reason for abortion. It is permissible to abort the feotus before the soul enters it, if there is an unbearable harm to the mother in continuing the pregnancy or it becomes extremely difficult for her. (See the question-answer section below.)

۴۱۱. If the mother aborts the feotus by herself, she is liable fot the indemnity. Similarly, if the father or a third person, like a doctor, caused the abortion, the indemnity is payable by that person. (See the question-answer section below.) There are other details and rules regarding the issue of abortion in the Manuals of Islamic Laws and other books of Islamic jurisprudence.(۱)

Questions and Answers

۴۱۲. Question: Is it permissible for us to give the Imam's portion of khums for the marriage of a believer (mo'min) in the West, knowing that the amount of money that is given here [for this one marriage] can be used for marriages of more than one believer [in the Muslim countries], and there are many needy believes, in Muslim countries? Is it not necessary that most possible numbers of deserving people should be helped from sahm-e Imam?

Answer: Although providing for the marriage of needy believers is among the avenues covered by the portion of the Imam (a.s.), one is not permitted to utilize it for this or its other purposes without the permission of the marja' or his representative.

It is not necessary to use the sahm-e

p: ۱۸۹

۱- See as-Sistani, Minhaju 's-Saliheen, vol. ۲, p. ۱۳۶-۱۳۷ as well as his al-Masa'ilu 'l-Muntakhaba, p. ۳۸۵-۴۱۹.

Imam to serve the interests of the most possible number of deserving people; what is important is to prioritize the important causes. This prioritization varies according to .circumstances

Question: Is it sufficient for a non-Arab to pronounce the marriage formula in Arabic .۴۱۳ without understanding the meaning of the words, even though we know that the purpose ?for uttering those words is to solemnize the marriage in the right way

Supposing that just the utterance is sufficient, is it necessary to say it in Arabic without ?having the need to say the marriage formula in another language

Answer: It would be sufficient, provided that the person has some understanding, even roughly, of the meaning of the Arabic words based on obligatory precaution, it would not .be sufficient to pronounce it in another language

?Question: Is it valid to pronounce the marriage formula through a telephone .۴۱۴

.Answer: It is valid

Question: Is it possible [for a witness] to give evidence using the telephone or fax or .۴۱۵ ?letter

Answer: The rules and consequences that apply to the bearing of witness in presence of a judge cannot materialize without the physical presence of the witness. As for the testimony that just deals with describing the incident the way it occurred, the methods mentioned above, and other methods similar to them, are sufficient, provided that they .are secured from fraud and error

Question: Is it permissible to look carefully at the body, with exception of the private .۴۱۶ parts, of the woman one intends to marry with sexual motivation or

?without it

Answer: It is permissible to look at the woman’s features like the face, the hair, and the hands but without lustful intention. And [it is permissible], even if one knows that lustful thoughts will naturally occur [by looking at her]. When a person has come to know about .her features by the first look, it is not permissible to look again

Question: Some Western governments allow the daughter to be independent of her .۴۱۷ parents, after she has passed the age of sixteen. If she seeks her parents advice, it is only for seeking their opinion or out of respect for them. Is such a virgin girl allowed to marry, ?be it permanent or a temporary marriage, without the consent of her father

Answer: If this means that the father has allowed her to marry whomsoever she wants or that he has withdrawn from interfering in the matter of her marriage, it is permissible for .her to do so; otherwise, based on obligatory precaution, it is not permissible

Question: If a woman is over thirty years of age, and still virgin, is it necessary for her .۴۱۸ ?to seek the permission of her guardian for marriage

Answer: If she is not independent, it is obligatory on her to seek his consent. Rather, even .if she is independent, she must seek his consent, as a matter of compulsory precaution

Question: Is it permissible for a virgin girl to use the light beauty powder in order to .۴۱۹ ?draw attention [to herself] in ladies only gatherings

p: ۱۹۱

What if she does so with the purpose of seeking marriage — wouldn’t it be counted as [?concealing physical defects, [if there were any

Answer: It is permissible for her to do that and it would not be regarded as “concealing the physical defects”. Even if it were, it would not be haram unless she was intent on .deceiving the person who wants to marry her

Question: When is it permissible for a wife to ask for divorce through the religious .۴۲۰ judge? Is it permissible for a wife — whose husband constantly treats her badly or a wife whose is sexually not satisfied by her husband to an extent that she fears committing that ?which is haram — to ask for divorce and be divorced

Answer: It is permissible for her to ask for divorce through the religious judge, if her husband refuses to fulfill her marital rights and also refuses to divorce her after the religious judge has ordered him to do one of the two. In such a case, the judge would .pronounce the divorced the wife

:The circumstances in which this could happen are the following

a. When the husband refuses to provide for the wife and also refuses to divorce her. This would include the case of a husband who is unable to provide for his wife and also .refuses to divorce her

b. When the husband harasses the wife, treats her unjustly, and does not behave with .her kindly as Almighty Allah has ordained

c. When the husband

p: ۱۹۲

abandons her completely and she becomes like a suspended woman, i.e. neither married .nor free to marry

As for the case where he does not fully satisfy her sexual needs to an extent that she fears committing the haram, then, based on compulsory precaution, the husband must fulfill her needs or consent to her demand for divorce. However, if he does not do that, .[then the wife has to bear the situation patiently and wait [for a better future

Question: There is a Muslim woman whose husband has left her for a long time now .۴۲۱ so much so that there is no hope of their getting reunited in the near future; she claims that she cannot stay without a husband because of the difficulty in living as a single woman in the West where she fears robbery and stealing by break-ins into the house. Can she ask for divorce through the religious judge so that he may pronounce the ?divorce, whereby she can, remarry whosoever she wants

Answer: If the husband has abandoned her, she can take her case to the religious judge who will then force the husband to choose one of two courses: either end the abandonment or release her [by divorce] so that she can marry someone else. If he refuses to do any of the two, and it is not possible to force him to adopt one of the two .alternatives, the religious judge has the right to pronounce the divorce at her request

But if the wife is

p: ۱۹۳

the one who has left her husband without any [valid] justification, there is no way for the religious judge to pronounce her divorced.

۴۲۲. Question: A Muslim couple got separated for a long time. Is it permissible for him to marry, temporarily or permanently, a woman from Ahlul Kitab without the knowledge of his Muslim wife? Is it permissible for him to marry, with the permission of his Muslim wife?

Answer: For a Muslim man to marry a woman from Ahlul Kitab permanently is against the compulsory precaution in any circumstance.

And his temporary marriage to a Jewish or a Christian woman is allowed, only if he is not already married to a Muslim wife. If he has a Muslim wife, temporary marriage with an Ahlul Kitab woman is not permissible without her consent; nay, even with her consent, it is not permissible, based on compulsory precaution.

۴۲۳. Question: A Muslim man who is married to a Muslim woman migrated from his country. After a longthy stay in the West country, he wants to embark on temporary marriage with a woman from Ahlul Kitab just a few days after divorcing his Muslim wife. Is this permissible for him, espeually when his Muslim wife is still in her waiting period (al-'idda)?

Answer: The temporary marriage mentioned in the question is considered invalid because the wife who is in the waiting period of a revocable divorce is still considered as a wife. It has just been mentioned that to temporary marry an Ahlul Kitab woman while one

.[has a Muslim wife is not permissible [as a matter of compulsary precaution

Question: Is it obligatory to inform the man who wants to marry a woman from the .۴۲۴ Ahlul Kitab or a Muslim woman that she has not yet observed the waiting period (‘idda) of a divorce of a previous marriage, or that she is still in the ‘idda [during which marriage is [?forbidden for her

.Answer: It is not obligatory

Question: Is it permissible for a Muslim man to marry a non-Muslim woman who is still .۴۲۵ married to a non-Muslim man? Is there an ‘idda period for her when she separates from her non-Muslim husband? What is the period of that ‘idda? Is it permissible to have sexual relations with her during the time when she is in the ‘idda from her non-Muslim husband? ?If she embraces Islam, how long will her ‘idda be, if she intends to marry a Muslim man

Answer: It is not permissible to marry her while she is married to a non-Muslim in a marriage which is recognized by them because she is a married woman. It is permissible to marry her temporarily after her divorce and after the completion of the ‘idda from her non-Muslim husband. (The period of her ‘idda is not different from the ‘idda of a Muslim .woman.) Therefore, it is not permissible before the completion of the ‘idda

If she becomes a Muslim after having had sexual relations with her non-Muslim husband and the husband has not embraced Islam, it is

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precuationarily obligatory for a Muslim not to marry her until after the completion of her 'idda. But if she became a Muslim without having ever established sexual relations with her non-Muslim husband, then their marriage will be annulled immediately and there is no .'idda in such a case

Question: What is the meaning of "justice" required by religious law in dealing with .۴۲۶ ?one's wives

Answer: The justice that is required [in dealing with polygamy] is related to the division [of time between them] in the sense that when he spends a night with one of them then, he .must spend one night each with the rest of them in every four nights

The justice that is required as a recommendation is equality in spending money, giving .attention, cheerfulness, and fulfillment of their sexual needs, etc

Question: If a Muslim woman commits adultery, is it permissible for her husband to kill .۴۲۷ ?her

Answer: Based on obligatory precaution, it is not permissible for him to kill her, even if he .sees her in the act of committing adultery

Question: What is meant by the expression "an adulterous woman known for .۴۲۸ ?adultery" that is used in the Manuals of Islamic Laws

.Answer: It means that such a woman is known among the people for committing adultery

Question: Is it permissible to be party to temporary marriage with a woman who is .۴۲۹ "known for adultery", if no other woman is available and the person is in desperate need ?of marriage

Answer: Based on obligatory precaution, one should refrain from

p: ۱۹۶

.marrying such a woman except after her repentance

Question: What is the meaning of the expression used by the jurists that "there is no .۴۳۰ "?waiting period ('idda) for an adulterous woman because of her adultery

Answer: It means that she is allowed to marry after having committed adultery without observing the 'idda; and, if she is married, then it is permissible for her husband to have sexual relations with her without observing the 'idda except in the case of al-wat'i bis-.(shubha (sexual relation established based on mistaken identity or ignorance of the law

Question: A man lived with a woman whom he intended to marry and also had sex .۴۳۱ with her without entering into a marriage contract ('aqd); thereafter he married her in the proper religious way. Is their co-habitation before the 'aqd considered marriage in the eyes of religious law? Does the subsequent 'aqd have retroactive effect? What will be the ?status of the children born before the 'aqd

Answer: In [an Islamic] marriage, the spousal relationship is established by the verbal expression of the proposition and the acceptance. More over no action or deed that reflects the intention of marriage can be a substitute for the spoken words. Consequently, the marriage mentioned in the question is not valid except after the pronouncement of .the religious marriage formula that does not have any retroactive effect

As for the children, they will be considered legitimate if the parents did not know the law [requiring the 'aqd] because their relationship will be classified as

wat'i bis-shubha". But if both were aware of the law, their relationship is considered" adulterous. Consequently the children will be deemed illegitimate. However, if only one knew about the law without the other, the children will be deemed legitimate in relation to .the ignorant parent only

Question: Certain circumstances demand that the use of insemination between . ۴۳۲ husband and wife in order to increase the chances of pregnancy; this process of ?insemination requires exposing the private parts before the doctor. Is this allowed

Answer: Exposing the private parts for the purpose mentioned above is not allowed. However, if there is a need that compels one to have children, and having children requires exposing the private parts, it is allowed. An example of "need" is when enduring childlessness becomes an unbearable difficulty for the couple

Question: A woman who does not want children asks the doctor to tie her falopian .۴۳۳ tubes. Is this permissible for her—regardless of whether or not it is reversible; and ?whether or not the husband agrees to it

Answer: It is permissible for her, provided that it does not involve any haram touching or looking, irrespective of whether or not it is reversible. The permission of the husband is .not required; of course, his permission might be required for other considerations

Question: In the West [more precisely, in Italy] an ovum of a woman was fertilized in .۴۳۴ the laboratory, then the fertilized egg was implanted in the womb of the mother; the feotus developed in and was born from the

grandmother's womb. Is it permissible to implant a feotus [or the fertilized ovum] in its ?grandmother's womb? And who will be the child's mother according to theshari'a

Answer: It is difficult to consider it permissible in principle, even if we overlook the haram looking and touching that is involved in this kind of procedure. And if this process takes place and the child is born, then in determining who is to be considered the child's mother from the genealogical perspective —the genetic mother or the biological mother— there are two views. It is prudent to observe caution in regard to both women. [That is, fulfill the [.rights of mother in regard to both

Question: Sometimes the sperm of a man is preserved in a sperm bank. Is it . ۴۳۵ permissible for a divorced Muslim woman to use the sperm of a strange man [to artificially inseminate herself] with or without his permission and without recitation of marriage formula? What is the ruling if the sperm is that of her ex-husband, and she ?intends to use it during the waiting period or after it

Answer: It is not permissible for a woman to inseminate herself with the sperm of a strange man; and it is permissible to do so with the sperm of her husband, even during .the waiting period but not after it

Question: A man is put in a situation that he either pleases his family or pleases his . ۴۳۶ wife: should he divorce his wife in order to please his family or

?should he do the opposite

Answer: He should adopt the situation that is best for his religion as well as his world, that he should be inclined towards justice and equitability, and refrain from injustice and .[violation of the rights [of others

Question: What is the meaning of "obligatory maintenance" that a husband must .۴۳۷ provide for his wife? Should the level of the support be according to the social standing of the husband, the standard of life that the wife was used to in her father's home, or other ?than that

Answer: The criterion is the level that would be appropriate for her status in relation to that of her husband. [That is, the level that would be appropriate for her "as the wife of [."her husband

Question: The wife has certain rights upon the husband; now if the husband neglects .۴۳۸ ?some of those rights, is it permissible for the wife to ignore his sexual advances

Answer: She does not have such a right; if counseling and then warning do not help [in changing the husband's attitude], she can take her problem to the religious judge who .should take appropriate action

Question: On embarking on a journey or coming back, a Muslim traveller embraces .۴۳۹ ?and kisses his wife in public. Is this permissible for him

Answer: It is not haram to do that, if the rules of appropriate covering [of the clothes] and hijab are observed and as long as it does not entice lust [in other people]; it is preferable to refrain from

p: ۲۰۰

.this kind of behaviour

Question: Legal divorce according to Western laws had already taken place between .۴۴۰ a man and his wife. The husband is not willing to uphold her religious rights, neither does he pay any maintenance money for her. He refuses to listen to the religious authorities who work as a go-between. What should the wife do, knowing well that her patience ?under such circumstances will surely cause her [unbearable] difficulty

Answer: She should present her problem to the religious judge or his authorized representative who will then advise the husband to either provide for her or grant her religious divorce—even by appointing someone else to do that. If he refuses to do either, and it is not possible [for the religious judge] to provide for her from the husband's wealth, .the judge or his representative will pronounce the divorce for her

Question: Is it permissible to have sex with a non-Muslim woman —from Ahlul Kitab .۴۴۱ or others— without doing the religious marriage on the basis that her country is in a state ?of war, directly or indirectly, with the Muslims

.Answer: This is not allowed

Question: A wife neither obeys her husband nor fulfills her marital duties; she also .۴۴۲ goes out without his permission to stay with her own family for seven months. Then instead of having recourse to Islamic laws, she goes to a non-Islamic court in order to get spousal maintenance, custody of the children, and divorce from her husband. Does such a wife have the right in

p: ۲۰۱

getting anything from her husband? In such a situation, when she goes to non-Islamic court it will apply non-Islamic laws to grant her divorce and her rights (spousal support ?and custody of children), does she deserve her full spousal rights

Answer: The wife mentioned above does not deserve the spousal maintenance from a shari'a point of view. But her mahr (dowry) and her right of custody of children (under the .age of two) should not be suspended because of her disobedience

Question: A young lady had gone through an operation in which her womb was . ۴۴۳ removed, and consequently she had stopped having her menses for more than fifteen years. Then she married a man in temporary marriage for a length of time that has now ended. Is it necessary for her to observe the waiting period ('idda)? And if yes, what would ?be the time length of her 'idda

Answer: If she still is in the age of women who usually see their menses, then her 'idda in .the temporary marriage would be forty-five days

Question: Sometimes a non-Muslim woman would verbally bear witness [of belief in .۴۴۴ Islam] for the sake of marriage which does attract plausible credence for others that she has really believed in Islam. Can the others [who have doubt about her belief] still treat ?her as they would treat Muslims

Answer: Yes, the Islamic treatment would be applied to her as long as she does not say or .[do something that would contradict [her declaration of the faith

:Question .۴۴۵

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Sometimes the fertilized ovum of a woman is transplanted in the womb of another ?woman. Is this allowed? If pregnancy occurs, whose child will this foetus be considered

Answer: There is no problem as long as the haram touching and looking is not involved. And whether the genealogical mother of the child will be the genetic mother (who provided the ovum) or the biological mother (who carried the foetus in her womb), there are two views. Based on obligatory precaution, caution should be exercised in regard to .both of them

Question: The foetus swims in the liquid that is in the mother's womb. This liquid .۴۴۶ comes out at the time of birth or just before it, sometimes with blood, at others without ?blood. Is this water considered ritually pure, if it comes out without blood

.Answer: Yes, it is ritually pure (tahir) in this case

Question: When is it permissible to abort a feotus? Does the age of the foetus have .۴۴۷ ?anything to do with it

Answer: Abortion is not allowed after the implantation of the [fertilized] ovum [on the lining of the womb], except if the mother's life is in danger or the continuation of pregnancy will cause difficulty for her that is not normally bearable and there is no other solution but abortion. In this case, it would be permissible to abort the foetus as long as .the soul has not entered into it; after the entering of the soul, it is not permissible at all

Question: Sometimes the doctors reach .۴۴۸

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the following conclusion: This foetus is afflicted with a very serious disease; it is therefore preferable that it should be aborted because if that child is born, it will be deformed or will die soon after birth. Is it, therefore, permissible for the doctor to abort the foetus? Is it permissible for the mother to agree to the abortion? And who of the two will become ?liable for indemnity

Answer: Just the fact that the child will be deformed or that it will not live for a long time after his birth does not ever justify the termination of the pregnancy. Therefore, it is not permissible for the mother to consent to the abortion just as it is not permissible for the doctor to go ahead with the procedure. And whoever performs the abortion will become .liable for the payment of indemnity

Question: Is a mother allowed to abort the feotus, if she does not want it while the .۴۴۹ ?soul has not yet entered it and there is no serious danger to the mother's life

Answer: She is not allowed to do that, except if the continuation of the pregnancy would .harm her health or put her in an unbearable difficulty

Women's issues

Introduction

There are specific laws for women in Islam that the books of jurisprudence have discussed in detail. However, as a result of being in the midsts of non-Muslim societies, .new situations have come up that have given rise to new questions and inquiries

General Rules

A woman is allowed to keep her .۴۵۰

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face and hands uncovered in the presence of a non-mahram man, provided that she does not fear of getting into a haram act, that the exposure of her face and hand does not cause men to gaze at her in a forbidden way, and that it does not give rise to immorality in general. Otherwise, it is obligatory on her to conceal [her face and hands], even from .those who are mahram to her

It is not permissible for a woman to expose the top part of her feet to a non-mahram .۴۵۱ onlooker. However, she is allowed to keep her feet —top as well as sole— exposed during .salat, if she is in a place where she is immune from the looks of a non-mahram person

A woman is allowed to use antimony (kohl) on her eyelashes and wear rings in both .۴۵۲ hands, provided that it is not intended for drawing lustful attention of men towards herself and that she is confident of not getting into a haram act. Otherwise, it is obligatory on her to cover [the eyes that have kohl and the hands with rings] even from those who .are mahram to her

It is permissible for a woman to go out, wearing perfume even if non-mahram men .۴۵۳ .can smell her perfume; in so doing, she should not aim to arouse or attract such men

It is permissible for a woman to ride in a car by herself with a non-mahram driver as .۴۵۴ long as she is confident

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.of not getting into a haram act

It is not permissible for a woman to masturbate until she reaches climax and has .۴۵۵ discharge. If she did so, it is obligatory on her to perform major ablution (ghusl); and this .[ghusl will make up for wudhu, [if she intends to pray after that

A woman who is barren is permitted to expose her private parts [to the doctor] for the .۴۵۶ sake of treatment, if she desperately needs to become pregnant and that failure to do so would place her in a difficulty of the kind that would normally exempt her from other .obligations

The baby should be breast fed by its mother because it has been mentioned in" .۴۵۷ ahadith that, 'There is no milk that a baby drinks more blessed than the milk of its mother.' It is better to breast feed the child for twenty-one months; it should not be less than that. Similarly, the child should not be breast fed for more than two years; it is better, (if the parents agree on weaning the child earlier."(۱

It is recommended for the wife to do the household chores and to provide the needs .۴۵۸ of the husband unrelated to conjugal matters like cooking, sewing, cleaning, laundry, etc. .These things are not an obligation on her

It is permissible to listen to the voice of a non-mahram woman without any sexual" .۴۵۹ overtures. "Similarly, it is permissible for her to make herself be heard by non-mahram men except when there is fear

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.Sayyid as-Sistani, Minhaju 's-Saliheen, vol. ۳, p. ۱۲۰ -۱

of getting sucked into a haram act. However, she is not allowed to soften or make her voice palatable to an extent that would normally arouse the listener, even if that person (was mahram to her."(۱

۴۶۰. "If a woman is in need of medical examination to treat her disease and the non-mahram doctor is better equipped to treat her, that doctor is allowed to look at her body and touch it if need be. If it is possible to treat her by either of the two methods (looking or touching), he [should restrict himself to one and] would not be allowed to use the other ([method]."(۲

۴۶۱. Some scholars say, "In order to confine all kinds of sexual activity to wedlock and for the benefit of the husband, the wife and the entire family, Islam has imposed hijab on the (woman when she meets the men who are not mahram to her."(۳

۴۶۲. Alfred Hitchcock, the famous movie producer said, "The eastern woman was very attractive by herself and this attraction gave her tremendous power. But by taking great steps in bringing herself on a par with her western sister, the eastern woman has gradually abandoned the hijab; and this has gradually decreased her attractiveness [and (hence her power]."(۴

۴۶۳. Will Durant, while discussing the sexual behaviour of women, said, "The woman knows that indecency leads to lower self-esteem and degradation, therefore she taught that to her daughter."(۵) In other words, by nature she is inclined towards decency and chastity; and that covering

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۱- Ibid, p. ۱۵.

۲- Ibid, p. ۱۳.

۳- See Shaykh Murtaza Mutahhari, Masalatu 'l-Hijab as quoted in the first issue of al-Kawthar, p. ۹۲.

۴- See al-Kawthar; [Translator's Note: The quotation has been translated from Arabic. Original source not traceable.]

۵- Translator's Note: Translated from Arabic. Orignal source not traceable.

.her body increases her honour and position in the eyes of men

Questions and Answers

Question: What is the ruling in the matter of a woman embracing another woman .۴۶۴ passionately, kissing, and flirting with her with sexual desire? What if they go even further ?and enter the domain of deviant sexual behaviour

.Answer: All of this is haram with varying degrees of prohibition

Question: Very often women ask specific questions [related to women's issues] from .۴۶۵ inseminations. Is it permissible for them to ask explicitly, even though some questions might be of a private nature? Is it permissible for the students to answer them in the ?same explicit manner

Answer: It is permissible for both parties for the sake of learning and teaching religious laws, but they both must have sincerity of intention, observe decency and decorum [in their speech], and refrain from explicitness in matters that are not appropriate to be .expressed explicitly

Question: During foreplay, a sticky substance is discharged in the woman's vagina; .۴۶۶ and when the foreplay continues, she sometimes has orgasm. Is it obligatory on her to perform major ablution (ghusl) when she reaches the first stage of discharge or only ?when she reaches the climax? And will this ghusl make up for wudhu

Answer: Ghusl does not become wajib for the woman until she reaches the level of sexual excitement. Once she reaches that level and the liquid is discharged, it becomes .obligatory on her to perform ghusl of janabat which should compensate for wudhu

Question: During the pilgrimage season, women use .۴۶۷

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some pills to delay the onset of their monthly period; when the period sets in, it comes ?with frequent intervals. Would the laws of menses apply on that discharge

Answer: If it comes with interruption and does not continue —even inside the private part .after the first initial discharge— for three days, the laws of menstruation should not apply

Question: A vast majority of Muslim women who observe hijab are used to keeping .۴۶۸ their chins and a small part of the under chin exposed but they cover the neck. Is this permissible for them? And how big an area of the face women can expose? And are the ?ears included in that

Answer: The ears are not part of the face, therefore it is obligatory to cover them. As for the part of the chin and the under chin that are seen when putting on the common head .scarf, it is to be considered as part of the face

Question: Is it permissible to shake hands with a non-mahram women who is . ۴۶۹ advanced in age (qawa'id) and do not have high hopes of getting married? What is the ?approximate age for qawa'id

Answer: It is not permissible to touch the body of a non-mahram woman at all, except when necessary. There is no specific age for the qawa'id because it varies from one woman to another; the criterion [of defining the qawa'id] is what has been mentioned in the [Qur'anic] verse: she should be advanced in age and do not aspire for marriage

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.(۲۴/۶۰)

Question: If putting on the face veil (an-niqab) in a country [like England or America] .۴۷۰ sometimes arouses astonishment and inquiries, is it obligatory to take off such veil since it ?would become part of the libasu 'sh-shuhra

Answer: It is not obligatory [to do so]. However, if wearing it arouses disapproval by and dislike of the general public in a particular country, it would be classified as "libasu 'sh-shuhra" in that country and it would not be permissible to wear it over there.

Question: Is it permissible for a woman in hijab to learn driving, if her instructor is a .۴۷۱ non-mahram and is alone with her during the driving lessons, provided that nothing ?haram takes place in the process

.Answer: It is permissible, provided that one is immune from falling prey to immorality

Question: Some beautician outlets employ female staff. Is it permissible for a woman .۴۷۲ among the believers to engage in applying makeup of women —Muslim or non-Muslim— ?who do not observe hijab and who wear make up in the presence of non-mahram men

Answer: If that work is considered as a contributing factor to the haram act and promoting it, she is not allowed to do it; however, such a consideration is truly far-fetched.

Question: Is it permissible for a woman who does not observe hijab to get rid of her .۴۷۳ ?facial hair, to straighten her eyebrows, and to wear natural and light make up

Answer: Getting rid of facial hair and straightening the eyebrows do not prevent her from keeping

her face open [while putting on the hijab], provided she is confident of not getting sucked into something haram and that exposing her face is not done with the intention of inviting .haram looks

Question: Is it permissible [for a woman] to dye her hair, fully or partially, in . ۴۷۴ gatherings exclusively for women with the intention of attracting attention for the ?purpose of marriage

Answer: If dyeing is for a cosmetic reason and not with the purpose of deceiving (like .concealing a defect or old age), there is no problem in it

Question: If a woman puts on a wig that covers her real hair for the purpose of beauty .۴۷۵ ?as well as hijab, is she allowed to expose her face now that it looks different

Answer: She is permitted to use the wig, yet it is a beauty item that must be concealed .from non-mahram men

Question: There are some stockings whose colour matches that used to embellish the .۴۷۶ ?legs. Is it permissible for a young woman to wear it

Answer: She is allowed to wear it, but if it is considered a beauty item, it is necessary to .conceal it from non-mahram men

?Question: Is it permissible to wear stockings that conceal what is underneath it .۴۷۷

.Answer: In principle, there is no problem in it

Question: A Muslim woman nurse visits patients; part of her work involves touching .۴۷۸ the body of men, Muslims as well as non-Muslims. Is this permissible for her, knowing that leaving her job would make it hard for

her to find work? And is there a difference between touching the body of a Muslim and ?that of a non-Muslim

Answer: It is not permissible for a woman to touch the body of non-mahram man, Muslim and non-Muslim alike, except when it is necessary, in which case the prohibition is .overridden

Question: A Muslim woman wears high heel shoes that hit the ground in such a way .۴۷۹ ?that it draws attention. Is she allowed to wear it

Answer: It is not permissible, if it is intended to draw the attention of non-mahram men to .[herself, or if it generally causes temptation [for committing sin

Question: Is it permissible for a woman to wear rings, bangles, or necklace for the .۴۸۰ ?sake of beautification

Answer: It is permissible and it should be concealed from non-mahram men except for the rings and bangles, provided that there is no danger of committing that which is haram, or that exposing them should not be with the intention of drawing forbidden .attention

Question: In the West it is possible to wear coloured contact lenses. Is it permissible .۴۸۱ for a Muslim woman to wear them for the sake of beautification and then appear in front ?of non-mahram men

.Answer: If that is considered as an item of cosmetics, it is not allowed

?Question: Is it permissible to sell ova of a woman? Is it permissible to buy them .۴۸۲

.Answer: It is permissible

Question: In some cases, women start losing their hair. Is it permissible for them to .۴۸۳ expose their hair to

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a doctor for the sake of treatment, irrespective of whether loss of hair entails difficulty for ?them, in that it is just for the sake of embellishment

Answer: It is permissible in the case of difficulty that is normally unbearable; and not .without it

Question: Is it permissible for a Muslim woman to join a co-education college in the .۴۸۴ West in spite of the moral breakdown, and the laissez-faire attitude of some male and ?female students

Answer: If she is confident that she can preserve her faith, fulfill her religious duties, including the hijab, refrain from haram looking and touching, and be immune to immoral .and adverse atmosphere, there is no problem in it; otherwise, it is not allowed

Question: In some Western countries, artists sit on the curb of public footpaths and .۴۸۵ paint pictures of those who wish to get their portraits drawn for a fee. They do so by asking their customers to pose for them, and then carefully observe their faces in order to paint their portraits. Is it permissible for a woman with hijab to ask the artist to draw ?her picture

.Answer: She should not do so

Question: Is wrestling in its various forms permissible for women? And are women .۴۸۶ allowed to look at the semi-naked bodies of the wrestlers live or on television without ?lustful thoughts

Answer: Wrestling is not allowed, if it involves hurting oneself or the opponent when it crosses the boundary of haram. It is a obligatory on a woman not to look at the

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body of a man, innocently, even on television, with the exception of the head, hands and .feet, and other parts that are not normally concealed

Question: Is it permissible for women to look at the bodies of men who take off their .۴۸۷ [?clothes [i.e., shirts] during the mourning ceremony [when they do the matam

.Answer: Based on obligatory precaution, they should refrain from it

Question: A man voluntarily takes the responsibility of raising a girl, then she grows up .۴۸۸ into a woman. Is it obligatory on her to observe hijab in his presence? Is it obligatory on ?him not to look at her hair and not to touch her at all

Answer: Yes, all that is obligatory; and her relations with him should be like that of a non-.mahram

Question: If pregnancy causes great difficulty for a daughter and a disgrace for her .۴۸۹ ?family, is she allowed to abort the foetus

Answer: It is permissible before the soul enters the feotus, if the difficulty reaches a level that is usually unbearable and there is no way out for her except abortion

?Question: Is a woman allowed to wear trousers and take to the streets and markets .۴۹۰

Answer: It is not allowed, if it reveals the contours of her body or would normally arouse .temptation

Question: Is it permissible to wear a wig with the purpose of drawing attention and .۴۹۱ embellishing oneself in gatherings that are exclusively for women? Is this counted as "?"concealing the shortcomings

Answer: There is no problem in it, if it is

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done only for beautification, and not for deceiving and concealing physical drawback, in the case of would-be marriage.

٤٩٢. Question: Is it permissible for a woman in menses to recite more than seven verses from the Holy Qur'an (other than the verses that require obligatory prostration)? If it is permissible, is it disliked (makrûh)? And does that mean that she will be rewarded for reciting, albeit less [than normal]?

٤٩٣. Answer: She is allowed to recite other than the verses that require obligatory prostration; and when it is said, "it is disliked to recite more than seven verses," this means that the reward of such recitation will be less.

Youth's issues

Introduction

The influx of devout Muslim youths to non-Muslim countries has increased, especially to European and American countries where they come for education, temporary visits, or for permanent residence.

The commitment of Muslim youths to Islam causes great concerns, problems, and inquires about the issues that are important to them. Therefore, it is appropriate to present the following religious laws which address some of these concerns. (See the question-answer section below.)

General Rules

٤٩٤. The mujtahids talk about prohibition of looking indecently and lustfully at women. By the expression "prohibition of looking lustfully," they mean that it is prohibited to look at them with sexual desire. By the expression "looking indecently," they mean a glance that could lead one to a situation whereby they may be tempted to commit a haram act.

٤٩٥. It is permissible to look without lust at the women who would not listen,

if they were forbidden from exposing themselves [by not observing the hijab]. Therefore, it is permissible to look at the face, the hands, and the feet of the woman as well as those parts of their bodies that they normally expose in public but not those parts that some of them, against their own custom, would expose publicly. This is with the condition that the look is not combined with carnal appetite and the onlooker should not fear the temptation of getting into a situation whereby they may commit the haram. (See the question-answer section below and issue No. ۵۰۰.)

۴۹۶. It is not permissible for a man to look at another man with lust; similarly, it is not permissible for a woman to look at another woman with lust.

۴۹۷. Homosexuality (Ash-shudhûdh al-jinsi) is haram. Similarly, it is forbidden for a female to engage in a sexual act with another female, i.e. lesbianism. (See the question-answer section below.)

۴۹۸. Masturbation by any whatever means is forbidden;

۴۹۹. Based on obligatory precaution, one must refrain from viewing pornographic pictures and films, even if one looks at them without indecent intention and lust. (See the question-answer section below.)

۵۰۰. The immoral establishments have produced an item that has the features of the private parts of a woman, and it is possible for a man to become intimate with it by placing it over his penis at bedtime. Based on obligatory precaution, one must refrain from using, it even if he does

not intend to reach the stage of ejaculation. This law applies without any difference between a married and an the unmarried man. (See the question-answer section below.)

۵۰۱. It is permissible for a man to use the condom to prevent pregnancy; however, it is precautionarily obligatory that he should seek the consent of his wife to using it.

۵۰۲. It is not permissible for a Muslim man to go to unisex swimming pools and other places where people go about half-naked. That is if it entails a haram act. Based on obligatory precaution, one must refrain from going to such places, even if it does not entail a haram act.

۵۰۳. A Muslim man is not allowed to shake hands with a woman without a barrier, such as gloves, unless refraining from shaking hands will put him in a considerable harm or unbearable difficulty. In the latter case, he is allowed to shake hands to the extent of necessity only. (See the question-answer section below.)

۵۰۴. A young man is allowed to kiss his young sister or maternal aunt or paternal aunt or their small daughters out of affection and love. However, he is not allowed to kiss them, if it entails sexual arousal.

۵۰۵. It is haram to play chess, regardless of whether or not the play is with betting. It is also haram to play chess through computerized instrument, if there are two players involved in it. Based on obligatory precaution, one must refrain from it, even if

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(.just the computer is the other player. (See the question-answer section below

It is similarly haram to play with instruments of gambling in which betting is involved. .۵۰۶ Based on obligatory precaution, one must refrain from it even when no betting is .involved

It is permissible to engage in sports games with balls like football (soccer), basketball, .۵۰۷ volleyball, table tennis, handball, etc. It is also permissible to watch such games at the sports stadiums or on various displays and monitors with payment or without payment as long as that does not entail a haram act, like looking with lust, or neglecting an obligation .like salat

It is permissible to engage in wrestling and boxing without betting as long as it does .۵۰۸ .not lead to serious bodily harm

Based on obligatory precaution it is not permissible for a man to shave his beard. .۵۰۹ Similarly, it is not permissible for him to just leave the hair on his chin and shave the sides. (.This too is based on obligatory precaution. (See the question-answer section below

A Muslim is allowed to shave his beard, if he is compelled to do so or if he is forced to .۵۱۰ shave it for medical reasons, etc. It also allowed if he fears harm to his life by not shaving or if growing the beard would put him in difficulty (for example, if it becomes a cause of .(ridicule and humiliation that is not normally tolerable by a Muslim

Questions and Answers

Question: A .۵۱۱

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father asks the friend of his son to monitor his behaviour in order to know his son's character. Is the friend allowed to disclose any information regarding the character of the son to the father that might include things that the son does not want to be known to ?anyone

Answer: It is not allowed, except when he is involved in an evil act from which he must be stopped and that stopping him is not possible through anything other than disclosure of .(his behaviour (which would embarrass and hurt him

Question: What is the meaning of the statement from the hadith that "the first glance .۵۱۲ is [permissible] for you, but the second one will [be held] against you"? Is it permissible to prolong the first glance while looking at a woman on the basis, as claimed by some, that it "?is still "the first permissible glance

Answer: Apparently the meaning of the statement mentioned above is to differentiate between the two glances in the sense that the first was just an accidental and a passing one, and so it is considered guiltless since no lustful desires were involved in it, as opposed to the second glance which was naturally intentional and accompanied with an element of desire, and therefore is detrimental. It is because of this that a statement has been quoted by Imam as-Sadiq (a.s.) in which he says, "The glance after the [first] one creates in the heart the desire and that is sufficient as a temptation for

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".the person

It is, however, clear that the statement quoted in the question does not intend to define the permissible glance on the basis of numbers, in the sense that the first glance is permissible, even if it is intentional and guileful from the very beginning. Or that it becomes such, if it is prolonged and more persistant because the on-looker cannot control it by casting his glance away from the woman that he is looking at. Nor does it mean that the second glance is forbidden, even if it is for a single moment without any .lust at all

Question: While discussing the issue of looking at a woman, many expressions are .۵۱۳ used that are not clearly defined for most people. So, what is the meaning of "ar-rayba, "?at-taladh-dhudh, and ash-shahwa

Answer: At-Taladh-dhudh and ash-shahwa mean lustful and sexual desire, not just any lust or any desire that is part of the human instinct that appears when one sees beautiful .scenes

.Ar-rayba means the fear of temptation or the falling into haram

?Question: What is the limit of forbidden lust .۵۱۴

Answer: Its minimum limit —if what is meant is the ranking order— i.e. it is the first stage .of sexual arousal

Question: In British government schools and also in other Western countries the .۵۱۵ students, male as well as females, are taught sex education which includes detailed description of sexual organs with or without model. Is it permissible for a young student to attend classes like this? Is it necessary for

the parents to prevent the young child from attending such classes when the child ?expresses interest in by claiming that it will be useful for him in the future

Answer: If attending such classes does not entail other haram deeds like looking lustfully and, as a result of studying that unit, would result preventy him from deviant behaviour, .then there is no problem in it

Question: Is it permissible to recite erotic poems in presence of women without .۵۱۶ intending to woo them, or with such an intention, if they are unmarried and can be ?influenced by such recitation

.Answer: This is not allowed

Question: Is it permissible to talk to women about love without lustful intention or fear .۵۱۷ ?of temptation or encouraging a haram act

.Answer: Based on obligatory precaution, it is not allowed

Question: Is it permissible to praise in erotic poetry, or in prose, a unspecified woman .۵۱۸ ?or women in general

Answer: If it is devoid of intent to commit haram or similar acts and entails no other harm .[in moral and ethical sense], then there is no problem in it

Question: Is it permissible to talk with women without lustful intention for the purpose .۵۱۹ ?of gaining satisfaction with one of them and then to propose temporary marriage to her

Answer: If the talk is devoid of what one should be talking about to a strange [i.e., non-.mahram] woman, then there is no problem in it

Question: A new craze has spread in Europe in which men wear .۵۲۰

?ladies' earrings in one or both ears. Is this allowed for them

Answer: It is not permissible if it is made of gold; rather not at all, based on obligatory .precaution

Question: If a person commits haram by shaving his beard by razor blade on day one, .۵۲۱ ?is it permissible for him to do the same on the second, the third, the fourth day and so on

.Answer: It is precautionarily compulsory to refrain from it

Question: At times the big companies in Europe discriminate —among those who .۵۲۲ come to them seeking jobs— between those who shave their beards and those who don't ?shave them. If this is true, then is it permissible to be clean shaven in order to get the job

Answer: Shaving the beard —whose prohibition is based on obligatory precaution— .would not become permissible just by the desire to get a job with these companies

Question: Is it permissible to shave the two sides of the face and leave the hair on the .۵۲۳ ?chin

Answer: Shaving the beard is haram based on obligatory precaution, and this includes the hair that grows on the sides of the face. However, there is no problem in shaving the hair .that grows on the cheeks

Question: Is it permissible to play games of chance of all kinds on electronic machines .۵۲۴ ?(computers) without betting or with betting

Answer: It is not permissible, and it is treated the same as normal [non-electronic] .gambling instruments

.Question: Some permissible games use dice in them .۵۲۵

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?So is it allowed to play with it

Answer: If the dice is not from the tools that are exclusively for gambling, then there is no .problem in using it in non-gambling games

Question: Is it permissible to look at what the non-Muslim women normally expose of .۵۲۶ ?their body during the summer season

Answer: If the glance does not entail lustful desire or temptation [to commit sins], then .there is no problem in it

Question: Is it permissible to look at the picture of a well-known muhajjaba woman .۵۲۷ [.who appears without hijab in that picture? [Muhajjaba means a lady who observes hijab

Answer: Based on obligatory precaution, one must refrain from looking at other than the face and the hands of that woman; even in the case of these two, it is permissible without .[lustful intent and temptation [for sin

Question: (a) Is it permissible to look at non-Muslim women who are naked or half- .۵۲۸ naked in television and its like for the purpose of fulfilling the inquisitive nature with no ?guarantee whether or not sexual desire will be aroused

b) Is it permissible to look at them in the streets not for the purpose mentioned above) ?but for arousing [the sexual desire of] the husband towards his wife

Answer: It is not permissible to look with lust at the naked live scenes, on television, etc. .Rather, based on compulsory precaution, one must refrain from it at all times

Question: Is it permissible to look at arousing scenes if one is sure .۵۲۹

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?of not attaining arousal

Answer: If it is a naked [indecent] scene, then based on obligatory precaution, one should .refrain from looking at it

?Question: Is it permissible to view sex movies without lust .۵۳۰

.Answer: It is not permissible at all based on obligatory precaution

Question: There are certain television stations that offer monthly subscription for .۵۳۱ their programs that are not of immoral nature; but after midnight, it relays sexual movies. ?Is it permissible to subscribe in such programs

Answer: It is not allowed, unless one is confident about himself and others [in the house] .that they would not view the sexually explicit material

Question: In some countries it is customary that the person who arrives [at a meeting .۵۳۲ or an office] will shake hands with all who are present including women, of course, without lustful intention. And if he refuses to shake hands with the women, it would be considered abnormal, and more often than not it would be considered an act of contempt and insult towards the woman. All this would reflect negatively on their view concerning ?the person. Is it, therefore, permissible to shake hands with women

Answer: It is not permissible. And the problem should be tackled by not shaking the hands of anyone or by wearing gloves, for example. If this is not possible for the person and he thinks that refusing to shake hands would cause great and unbearable difficulty for him, then it is permissible at that time. All this is based on the

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assumption that it is necessary for him to attend such a gathering; otherwise, if it is not possible for him to refrain from haram, then it is not permissible for him to attend such a .gathering

Question: In Western countries, shaking hands is considered as a means of greeting .۵۳۳ and salutation. Refraining from it could sometimes lead to losing job and education opportunities. So, is it permissible for a Muslim man to shake hands with a woman or for a ?Muslim woman to shake hands with a man in circumstances of necessity

Answer: When refraining from touching is not possible by wearing gloves or such like, then it is permissible, especially if not shaking hands would lead to considerable harm or .great difficulty that is normally unbearable

Question: Is it permissible for a Muslim man who resides in the West to marry a non- .۵۳۴ Muslim woman especially when Muslim women are scarce. That is, in spite of the dangers that exists in regard to children because of difference in language, religion, ways of upbringing children, values, and social customs — all this could lead to psychological ?problems for the children

Answer: It is not permissible for him to marry a woman from Ahlul Kitab on permanent .basis

Although temporary marriage is permissible, we advise not to have children by her. This applies, if he does not already have a Muslim wife, who is away from him. In this case it ,would not be permissible without her consent—rather even with her consent

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.based on obligatory precaution

Question: Some companies have produced an item similar to the woman's vagina that .۵٣۵ some men would place over their penis at bedtime for carnal desire. Is this classified as ?masturbation that is forbidden

Answer: It is haram if he seeks to ejaculate intentionally or ejaculation is normal [in such a circumstance] for him. Rather, based on obligatory precaution, he must refrain from it, .even if he is confident of not ejaculating

Question: What is the view on a man embracing another man with lust, and go about .۵٣۶ kissing one another with sexual desire? What if they go even further and enter the ?domain of deviant sexual behaviour

.Answer: All of this is haram even if there might be difference in the degree of prohibition

Music, singing dancing

Introduction

The residents of non-Muslim countries, as well those in some Muslim countries, are used to be bombarded by music, songs, and rhythms of dancers, be they indoors or outdoors. A question arises in their minds: is it permissible for us to listen to this tune or that song? Is it permissible for us to dance? I shall answer these two questions and others like them in .the following rules

General Rules

Music is an art that has spread far and wide during these days. Some varieties of this .۵٣٧ art are permissible while others are forbidden; therefore, it is permissible to listen to the .first while it is forbidden to listen to the latter

Music that is permissible is the music that .۵٣٨

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does not entail entertainment in gatherings held for that purpose. Forbidden music is the .music that is suitable for entertainment and amusement gatherings

The expression "the music or the song that is suitable for entertainment and . ۵۳۹ amusement gatherings" does not mean that the music or the song's tune amuses the heart or changes the mental state because there is nothing wrong in it. The expression actually means that the person listening to the music or the song's tune —especially if he is an expert in these matters— can distinguish that this tune is used in the entertainment and amusement gatherings or that it is similar to the tunes used therein. (See the (.question-answer section below

It is permissible to visit places where halal music is being played, and it is permissible .۵۴۰ .to listen to it as long as it is halal

It is permissible to visit public places where music is being played, even if it is suitable .۵۴۱ for entertainment and amusement gatherings, provided that one does not intentionally listen to it: for example, passengers on course, waiting areas for visitors, public parks, restaurants and cafes, etc —even if the music played there is suitable for entertainment and amusement gatherings— because there is no problem in hearing forbidden tunes .without intending to listen to it

It is permissible for adults as well as children to learn the art of halal music in music .۵۴۲ schools or other places as long as their visits to such places do

.not have any negative effect on their proper upbringing

Singing (al-ghina') is haram: doing it, listening to it, or living of it. By "singing — al- .۵۴۳ ghina'," I mean an amusing statement expressed in the tunes that are suitable for those .who provide entertainment and amusement

It is not permissible to recite the Holy Qur'an, supplications (du'as), and words of .۵۴۴ .praise in tunes that are commensurate to entertainment and amusement gatherings

Based on obligatory precaution, one must refrain from reciting other non-amusing (.statements, in poetry or prose, in that tune. (See the question-answer section below

The prohibition of intentionally listening and giving ear to haram songs and music has .۵۴۵ beenmentioned in the holy tradition. The Messenger of Allah (s.a.w.) said, "And the person with the [sin of] singing (al-ghina') will be raised [on the day of resurrection] blind, deaf and dumb. The person with [the sin of] adultery, of wood-wind, and of drum will also be (raised in the same way."(۱)

He also said, "Whoever listens to the entertainment (song and music), lead will be melted inside his ear on the day of judgment."(۲) He also said, "Singing and music are .enchantment for adultery."(۳) That is, it is a stepping stone or a way that leads to adultery

It is permissible for a woman to dance in front of her husband to please and arouse .۵۴۶ him. But it is not permissible for her to dance in front of other men; based on obligatory precaution, she must not dance in

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.As-Sayyid al-Khu'I, al-Masa'ilu 'sh-Shar'iyya, vol. ۲, p. ۲۲ -۱

.Ibid -۲

.Ibid, p. ۲۳ -۳

(.front of other women also. (See the question-answer section below

It is permissible to applaud in a marriage ceremony, religious gatherings, seminars, .۵۴۷ .and other functions. This is equally permissible for women and men

Questions and Answers

.Question: Many questions are asked concerning permissible and forbidden music .۵۴۸

Is it correct to say that the music that arouses sexual, lustful urges and promotes ?unstable and degrading behaviour is the forbidden one

And is it correct to say that the music that soothes the nerves or causes relaxation, the music that forms the background of a scene in a movie to increase the effect of the scene on the viewers, the music that is used for physical exercise during workouts, the music that dramatizes a particular scene by its tune, or the one that arouses the zeal [in ?soldiers] is the permissible one

Answer: Forbidden music is the music that is suitable for entertainment and amusement .gatherings, even if it does not arouse sexual temptations

Permissible music is the music that is not suitable for such gatherings, even if it does not .soothe the nerves like the martial music and that played at funerals

Question: Just as many questions are asked about halal and haram music, many .۵۴۹ .questions are asked about halal and haram songs

Is it correct to say that haram songs are those that arouse sexual, lustful urges and ?promote unstable and degrading behaviour

Is it correct to say that songs that do not arouse lustful desires, but elevate the souls and thoughts to lofty levels like

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religious songs of praise dedicated to the Prophet Muhammad (s.a.w.) and the Imams (a.s.), or the songs that lift the spirits and morale [of the fighters] and the like are halal ?songs

Answer: All songs (al-ghina') are haram. Based on the definition that we accept, al-ghina' is the entertaining expression by way of tunes that are common to those who provide .entertainment and amusement

In this prohibition, we should include the recitation of the Holy Qur'an, supplications (du'as), and songs of praise of Ahlul Bayt (a.s.) uttered to the accompaniment of those tunes [that are used by the entertainers]. The prohibition of reciting other non-entertaining expressions —like songs intended to lift the morale [of fighters]— is based on .compulsory precaution

.However, the tune that cannot be described as such is not haram by itself

۵۶۰. Question: Is it permissible to listen to religious songs in praise of Ahlul Bayt (a.s.) that ?are accompanied with music

Answer: Songs (al-ghina') are haram absolutely. However, singing praise [of the Prophet .or the Ahlul Bayt] that is sung with a good tune but is not in ghina' form is without problem

As for the music, it would be allowed, if it is not suitable for entertainment and .amusement gatherings

۵۶۱. Question: Is it permissible to soothe the senses by listening to the reciter of the ?Qur'an who recites in a vibrant, quavering tone

.Answer: If the tune used in its recitation is not ghina', there is no problem in listening to it

۵۶۲. Question: Some of the reciters, singers or chanters adopt the

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tunes of sinful people [i.e., haram entertainers] and then sing or chant with their tunes poems in praise of the Prophet (s.a.w.) and his family—the result is that the context is different from that of the sinful people, yet the tune is suitable to theirs. Is it forbidden to [?sing in this way? Is it forbidden to listen [in this case

.Answer: Yes, based on obligatory precaution it is forbidden

Question: Is it permissible for women to sing in the a wedding party in whatever tune, .۵۶۳ even if it is suitable for the gatherings of sinful people? Is it permissible for them to use musical instruments while singing that night? Is it permissible for them to sing, wearing henna [on the bride's hand and feet], or on the eve of the seventh night [after the ?marriage]? Or is the permission restricted to the marriage eve

Answer: Based on compulsory precaution, they should refrain from it, even on the marriage eve, let alone other occasions. As for the issue of music, its rules have already .been mentioned earlier

Question: Is it permissible to listen to revolutionary songs accompanied by sounds of .۵۶۴ ?piano, lute, drum, wind-pipe, and electronic piano

Answer: If the music accompanying it is that which is suitable for entertainment and .amusement gatherings, it is not permissible to listen to it

"?Question: What is the meaning of the phrase: "common among sinful people .۵۶۵

Answer: This expression is not mentioned in our fatwas (religious edicts). What we have mentioned in defining al-ghina' is "the tunes

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that are common for those who provide entertainment and amusement;" whose meaning .is clear

Question: A non-practicing Muslim has recently become more committed [to Islam]. Is .۵۶۶ it permissible for him to softly hum what he remembers from the past songs by himself or ?in front of his friends

.Answer: If it falls in the category of al-ghina', then it is not allowed

Question: There are certain songs in foreign languages that the teachers of linguistics .۵۶۷ recommend listening to in order to expedite the learning process of that language. Is it ?permissible to listen to such songs for that purpose

.Answer: If it falls within the category of al-ghina' as explained earlier, it is not allowed

Question: Musical instruments are of different kinds. Sometimes they are used in . ۵۶۷ musical gatherings and sometimes for soothing the soul. Is it then permissible to buy these instruments, manufacture them, deal in them, or play them to soothe the soul or ?listen to the ir sounds when someone else is playing them

Answer: It is not permissible to deal in the instruments of haram entertainment: neither selling nor buying, just as it is not permissible to manufacture them and accept .remuneration for making them

An instrument of haram entertainment" means that its physical shape—that gives its" value and eventually the purpose for acquiring it— is not suitable except for use in haram .entertainment

Question: Is it permissible to manufacture, sell, or buy musical instruments that are .۵۶۸ ?made for children's play? And is it permissible for adults to use them

:Answer

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If the music that is suitable for entertainment and amusement gatherings comes out of it, .then it is neither permissible to deal in, nor are adults allowed to use them

Question: In government schools of the United Kingdom and may be some other .۵۶۹ countries also, students have to take part in dance classes to the sound of special musical .tunes that synchronize the movements of the students while they are dancing

?a) Is it permissible to attend such classes)

b) Is it obligatory on the parents to prevent their children from attending such classes if) ?the young boy or girl is inclined towards attending them

Answer: (a) It is not permitted, if it has any negative effect —which is quite common— on their religious upbringing. Rather, it is not permitted at all, as a matter of obligatory .precaution

.b) Yes, it is obligatory. Also please refer to the answer to question no. ۵۶۳ below)

?Question: Is it permissible to learn dancing .۵۷۰

.Answer: It is not allowed at all, as a matter of obligatory precaution

Question: Is it permissible to organize dance parties where each husband dances only .۵۷۱ with his own wife to the sound of soothing musical tunes, wearing dresses that are not ?indecent

.Answer: It is not allowed

Question: Is it permissible for women to dance in front of other women or for men to .۵۷۲ dance in front of other men in a gender-wise segregated gathering with or without ?music

Answer: Dancing of women in front of women or dancing of men in front of

men is problematic, as a matter of obligatory precaution, one must refrain from it. The .rules governing music have already been discussed earlier

Question: Is it permissible for a wife to dance for her husband with music or without .۵۷۳ ?music

.Answer: It is allowed as long as dancing is not accompanied with haram music

Question: Some schools in the West make it obligatory that their male and female .۵۷۴ students learn dancing. This dancing is neither accompanied by the common song, nor is it for entertainment; it is part of the educational curriculum. So, is it haram for the parents ?to allow their sons and daughters to attend such classes

Answer: Yes, if it contravenes the religious upbringing. Rather it is, based on obligatory precaution, forbidden absolutely, if the student has reached the age of maturity — except if he has a valid reason for approving of it; for example, if he follows a mujtahid who allows it. In the latter case, nothing prevents him from allowing his child to take part in .[[such activity

Miscellaneous

Introduction

The respected reader will find in this chapter some laws, questions and answers related to a variety of important issues that could not easily be classified under one or the other .of the previous chapters, hence the "Miscellaneous" title

General Rules

It is recommended to give children names that reflect servitude towards Almighty .۵۷۵ Allah [for example, 'Abdullah; 'Abdur Rahman; 'Abdur Rahim] just as it is recommended to name them by the name of the Prophet Muhammad (s.a.w.), and the

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other Prophets and Messengers (a.s.). It is recommended to name the children as ‘Ali, .Hasan, Husayn, Ja‘far, Talib, Hamza, and Fatima

.(.It is disliked to give them names of the enemies of Islam and Ahlul Bayt (a.s

The custody, upbringing, and care of the child whether male or female for the first .۵۷۶ two hijri [lunar] years is the right of both parents equally. Therefore, it is not permissible .for the father to separate the child from its mother during these two years

When these two years come to an end, the right of custody is the father’s alone. However, based on precaution, it is recommended that the father should not separate .the child from its mother until he or she reaches the age of seven

If the parents separate because of divorce before the child —whether male or female .۵۷۷ — reaches the age of two (by hijri account), the mother does not lose the right of custody of the child as long as she does not marry another man. Therefore, it is necessary for both parents to agree on exercising their common right in custody by alternating [the .right] or by any other method on which both agree

If the mother marries after separating from the father, she forfeits her right of . ۵۷۸ .custody, and the custody will be the exclusive right of the father

The term of custody ends when the child reaches the age of mental maturity. When .۵۷۹ the child reaches mental maturity, no one has the right of custody over him

or her, not even the parents let alone others. The child, then becomes independent in his affairs; and so he can choose to join either of the two parents or anyone besides them. However, if his separation from both of them causes distress to them out of their concern for him or her, it is not permissible for the child to disobey them in that matter. If the father and the mother differ [in the case of distress], the priority is given to the mother.

۵۸۰. When the father dies, the mother has greater right of custody than anyone else until the child reaches the age of maturity.

۵۸۱. When the mother dies during the term of her custody, the father gets the exclusive custody.

۵۸۲. Just as custody is a right of the father and the mother, it is also the right of the child, in the sense that if they refuse to take the custody [and fulfill their duties towards him], they can be forced to comply.

۵۸۳. If both parents disappear, the right of custody belongs to the paternal grandfather.

۵۸۴. Whoever from the two parents or others have the right of custody is allowed to delegate it to a third party, ensuring that they would fulfill their responsibility as required by Islamic Law.

۵۸۵. The person —parents or others— who shall have the custody of the child, must be Muslim, sane, and trustworthy to ensure the safety of the child. So, if the father is a non-Muslim and the mother is a

Muslim, the child is considered as a Muslim and the mother shall have the sole custody of the child. Similarly, if the father is a Muslim while the mother is a non-Muslim, the father .shall have the right of custody

.It is obligatory on the son to provide for the parents .۵۸۶

.It is obligatory on the father to provide for the child, male as well as female .۵۸۷

The obligation of providing for a person who is closely related to you is conditional on .۵۸۸ him being poor, in the sense that he does not have the basic necessities of life like bread, .food, clothing, bedding, comforter, shelter, etc

In Islamic law, there is no fixed amount for providing to those who are closely related .۵۸۹ to you. What is obligatory is to provide whatever is needed to sustain them, i.e. bread, food, clothing, shelter, and other things in line with his status as well as the standard of .living for that place and time

If a person who is obliged to provide for the needs of his close relation refuses to .۵۹۰ provide [e.g., a husband refuses to provide for his wife], it is permissible for the one who .has the right to force him to do so, even by resorting to the courts

If it is not possible to force him to provide maintenance and he has some wealth [that is easily accessible], the person who has the right can take the rightful amount from it after .seeking the permission of the mujtahid

And]

if the wealth of that person who must provide maintenance is not easily accessible], the person who has the right can take out a loan in the name of the first person with the permission of themujtahid. In this case, that first person will become liable to pay the loan back. If it is not possible to have recourse to the mujtahid, he should resort to some just [morally upright] believers and take out a loan in the name of the first person who shall .then be obliged to repay it

If the protection of the faith and its sacred laws as well as the honour of Muslims and .۵۹۱ their lands depend on providing for a person or persons from the wealth of Muslims, it is obligatory to do so. In this case, the Muslim who provides will have no right to ask anyone .for compensation of what he has spent in this cause

Questions and Answers

Question: Is it permissible to draw or produce a scene which shows the Prophet . ۵۹۲ Muhammad (s.a.w.), one of the past prophets or the infallible Imams (a.s.), or other ?luminaries and show it in cinema, on television or theatre

Answer: If due deference and respect is observed, and the scene does not contain anything that would detract from their holy pictures in the minds [of the viewers], there is .no problem

Question: Is it permissible to give away as gift, copies of the Holy Qur'an, prayer . ۵۹۳ ?books, and amulets to non-Muslims

Answer: There is no problem in it, if

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.such is not exposed to desecration and insult, and they are shown the requisite respect

Question: How could one go about dispensing with papers carrying the names of Allah .۵۹۴ or the Infallibles, as well as some loose pages of the Qur'an, when it is not possible for us to throw them in the sea or the river? That said, we do not know where would the ?garbage end up and what is done with it

Answer: It is not permissible to put them in rubbish bins because that involves desecration and disrespect. However there is no problem in erasing the writings on the papers even by using some chemicals burying them in a clean place, or shredding them .so that they turn into dust

Question: Has istikhara any basis in the shari'a? Is there a problem in repeating the .۵۹۵ istikhara [for the same intention] by paying alms [before it] in order to get a guidance that ?is to one's liking

Answer: One may resort to istikhara (albeit with the intention of raja'an) in situations where he is confused and cannot prefer one side [of the issue] to the other, after having pondered over it and having consulted [those who know about it]. Repeating the istikhara .is not right, unless it is for a different issue

Question: What is the limit that you have allowed your agents and representatives .۵۹۶ (wukala') to utilize for their personal use from the religious dues that they collect [from [?the people

Answer: In our ijazas (authorizations for apportioning the

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religious dues), we have mentioned that the authorized person is allowed to utilize, for example, one-third or half of whatever he collects of religious dues for the purposes that have been defined by the shari'a. This does not mean that the percentage mentioned [in the ijaza] is especially for the use of the authorized person himself, because it could happen at times that the use of that due would not apply to him at all — for example, if he is a sayyid while the religious dues that he has collected are from the charity of non-sayyid or other charities like it.

In the light of this, if the authorized person considers himself —in keeping with Allah as the witness in this matter— eligible for the religious dues in accordance with the conditions mentioned in the Manual of Islamic Laws —for example, if he is needy in the religious definition and is among those who deserve the right of zakat or sihm-e sadat or radd madhalim etc— he is allowed to take from it according to his need and proportionate to his status and not more than that.

Similarly, if he is providing general religious services and strives for upholding the word of Islam, he deserves the sihm-e Imam (a.s.) according to the level of his work and the service that he does for Islam.

But, if he is not spending the religious due that he has collected, he must utilize the percentage mentioned [in the ijaza] in its appropriate causes as defined

.by the shari‘a

Question: If a person has doubts about the integrity of a representative of the marja‘ .۵۹۷ ;as a result of alleged misappropriation of religious dues

a)Is he allowed to talk about it to other people, even if he is not certain about the truth of) ?the allegations levelled against the representative? What if he is certain about them

b)Is he allowed to still pay his religious dues to that representative as long as he is) ?uncertain about his not being trustworthy

Answer: (a) It is not permissible for him [to talk to the others about it] in both situations. In the second case [of certainty], he can inform the marja‘ directly in complete confidence about the real situation so that the marja‘ may take whatever action he deems .appropriate

b) He should rather pay his religious dues to a representative who is known for his) integrity and honesty in acting according to his ijaza, i.e. in using some portion of what he has collected of it in their appropriate causes as mentioned earlier and sending the rest to .’the marja

Question: Is it permissible to use the sihm-e Imam (a.s.) without seeking the . ۵۹۸ permission of the marja‘ if a person can ascertain the need of any kind for its use with ?which the Imam (a.s.) would be pleased

Answer: It is not permissible; and one cannot attain the approval of the Imam (a.s.) by using his portion of the khums without seeking the permission of the most learned marja‘ —in that it is

.(.possible that the marja’s permission is part of the approval of the Imam (a.s

Question: Is it permissible to use the sihm-e Imam (a.s.) in charitable projects while .۵۹۹ .?there are tens of thousands of believers who are in need of bread, cloths, etc

Answer: In using the sihm-e Imam (a.s.), it is important to consider the principle of priorities. It is a matter of obligatory precaution, the determination of “most important vis-à-vis the more important” should be left to the discretion of the most learned jurist .who is well informed about the general situation

Question: At times while washing the dishes, rice grains go down the drain. Is this .۶۰۰ allowed? Is it necessary to prevent the rice from going down the drain, regardless of the ?quantity, knowing that it is difficult to prevent it

Answer: It is not permissible to let it go into the drain if its quantity is big enough to be used in feeding the animals. But if it is small or dirty, then it can be put in the dustbin in a way that is not considered an disrespectfull, in eyes of the people, to the blessings of .Almighty Allah

Question: Is it permissible for a poet to organize a gathering where poetry is recited .۶۰۱ ?and where he knows that women without hijab and indecent dress would also attend

Answer: By itself, there is no problem in it; but he must fulfill the duty of enjoining the .good and forbidding the evil, if the conditions exist

.۶۰۲

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Question: Students are asked to draw a human being or an animal; the requirement is such that it is difficult for the student to refuse the assignment. Are they allowed to do the drawing? What is the ruling if they are asked to do a sculpture work instead of the ?drawing

Answer: Drawing a non-sculptured figure is allowed. Based on obligatory precaution, it is necessary to refrain from drawing a sculptured picture of a living being. And to say that it is a compulsory part of the school work does not justify violating the obligatory precaution. This prohibition is relaxed, only in the event of necessity; for example, if not carrying out such an assignment would lead to the student expulsion from the school and .that would put him in difficulty of the kind that is normally untolerable

Question: Is it permissible to buy a carving or statue of a totally naked human being, .۶۰۳ male or female? Is it permissible to buy a carving or statue of an animal and hang it for ?decoration

Answer: There is no problem in the second [case of the animal]; as for the first case, if it is .[considered a way of] promoting indecency, it is not allowed

Question: Fortune tellers and palmists claim to foretell a person's future. Is it . ۶۰۴ permissible for the palmist to do so, if the customer is going to plan [his life] according to ?his predictions

Answer: Since the information given by the palmist has no value, it is, therefore, not

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permissible for him to give information with certainty, just as it is not permissible for the customer to plan according to it, except on legal or reasonable grounds.

۶۰۵. Question: Is hypnotism permissible? Is invocation of spirits permissible?

Answer: If it puts a person in harm's way, it is haram, and therefore forbidden.

۶۰۶. Question: Is invocation of the jinn with a view to solving the problems of the faithful permissible?

Answer: The same rule mentioned earlier is applicable here.

۶۰۷. Question: Is cockfighting and bullfighting with permission of their owners allowed?

Answer: It is permissible but disliked as long as it does not cause loss of property.

۶۰۸. Question: What is the [minimum] limit of the difficulty (al-haraj) that lifts the prohibition? Is exorbitant price [for a halal item] that could still be bought with [financial] strain or by getting a loan a [valid] example that would make a haram [but cheap alternative] item permissible religiously?

Answer: The circumstances are different in this [case], and the criterion is the extreme hardship that is not normally tolerable.

۶۰۹. Question: What is the present day equivalent in mithqal or grams of the weight in gold known as "al-himsa"?

Answer: Al-Himsa is ۱/۲۴ of the mithqal as-sayrafi; and the latter is ۴.۶۴ grams; so the weight of al-himsa will be ۰.۱۹۳ grams.

Epilogue

It is important for me to stress at the end of this book that my first attempt in writing Islamic Laws for Muslims in non-Muslim countries is in need of evaluation. This being so to establish a body of

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laws for Muslims in those countries that deal with various aspects of their lives and so that those issues could be governed by noble principles of the Islamic shari'a.

The number of Muslims, be they citizens or residents in non-Muslim countries —especially America and Europe— is increasing. The percentage of the immigrants coming to this part of the world from Muslim lands has also gone up. On the other hand, the pace of change and transformation in these societies is very fast. This on its own poses more questions and creates new situations that must be studied carefully so that the right solutions could be presented. This is needed to keep pace with change in reality, and be proactive rather than reactive.

I should also point out the importance of writing in this subject without losing sight of spirituality as seen by Islamic ethics and morality, especially in an environment that is attached almost totally to materialism and all that the latter stands for.

I have attempted here and there to emphasize some of Islam's values, as espoused by the Qur'anic verses and the noble ahadith: This was done in a bid to blend the codes of ethics with jurisprudence just as I have previously done in my book, al-Fatawal 'l-Muyassara (Jurisprudence Made Easy) since I have detected the active link between the theoritical and the practical planes [of life]. Also because I can see the need that these teachings should find their way to materialization in the day-to-day conduct of Muslims, especially

.those who reside in the midst of non-Muslim societies

.It is sufficient for me that I have tried

I seek the help of Allah, hope for His aid, and pray for his acceptance since He is the Most Merciful of the Mercifuls. All praise be to Allah, the Lord of the Universe. And may Allah be .pleased with our master, Muhammad, and his pure and infallible progeny

Author

Appendices

Specimen of the Answers of His Eminence Ayatullah as-Sistani to some of the questions in this Book

In the name of Allah, the Beneficent, the Merciful His Eminence, the Grand Ayatullah As-Sayyid 'Ali al-Husyni as-Sistani (dama dhilluh). As-Salamu 'alaykum wa rahmtullahi wa barakatuh. I request your kindness in answering the following questions with the hope that the answers would be in simple form that can be understood [easily] by the readers who are not specialist in this science [of Islamic Jurisprudence]. And you shall have an .[abundance of reward [from the Almighty

List of Main Haram Ingredients Used in the Manufacturing of Food

Islamic Law has forbidden Muslims from consuming a number of ingredients. Since non-Muslim manufacturers of food are naturally not required to refrain from using those ingredients in their products, Muslims are required to be vigilant and careful —within the (limits outlined by the shari'a— in using those products.(۱

We give below some information that was available for us regarding haram ingredients in food products. We have decided not to go into details in order to avoid —within the bounds of theshari'a— complicating the life of a Muslim who is being tested by living in non-Muslims countries. The Islamic shari'a, in spite of its meticulous and rigirous nature, is still a simple

.Quoted from Dalilu 'l-Muslim fi Biladi 'l-Ghurba, p. ۱۱۱ ff with modifications -۱

and linient code of practice. It is, therefore, useful to point out two things right at the .outset

Firstly, some raw ingredients used in manufacturing food and drink go through definite chemical transformations that radically change its original properties, in the sense that it becomes, in perception of the common man, a new and different matter. Such a transformation would remove it from the list of forbidden items, and this is known in the manuals of Islamic laws as "al-istihalah" which is one of the purifying agents according to .the shari'a

For example, when an item derived from a haram animal source changes into a different item [through chemical transformation], then the latter product would become .permissible

Secondly, there are ingredients used in manufacturing food products that could have possibly come from a number of different sources, some of which are halal and some are haram. In such cases, with no certain knowledge about the origin of such an item, it is not necessary to investigate and it is permissible to eat that doubtful item. (Of course, this principle does not apply to meat when there is doubt whether or not it is from an animal slaughtered according to the laws of Islam. So, if you see in the list of ingredients "mono et diglycerides" which can originate from aminal fat or vegetable oil, and the label does not specify that it comes from animal source, it is not incumbent on the person to investigate about it, and therefore it should be considered

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.halal

Now we shall provide some information about haram ingredients mentioning both their .English, as well as French, names

Oil Shortening: "Shortening" and "fat" ("matieres grasses" in French) is normally .۱ extracted from animal fat. Sometimes vegetable oil is added to it. Whereas the word ."lard" ("saindoux" in French) is used for the fat of swine

In American food products, you will find the expression "vegetable shortening" which is .۲ not a totally factual statement because American laws permit manufacturers to describe their product as having "vegetable shortening" as long as ۸۰٪ to ۹۰٪ of the shortening is .vegetable based

The phrases that entail satisfaction for us are "pure vegetable ghee" or "pure vegetable .۴ ."shortening" or "pure vegetable oil

Butter" ("beurre" in French) is made from milk and therefore there is no problem in" .۵ .using it

Cheese: Contrary to the belief of some people, lard is not used in cheese. However, in .۶ the process of manufacturing cheese, an enzyme is used that is extracted from the stomach of animals (cow, calf, or pig). This enzyme is called "rennet," "renin," and "pepsin" .(("presure" in French

Since "pepsin" is the enzyme extracted from pigs, it is haram. However, the enzyme .۷ from cow or calf [i.e., rennet, renin] that was not slaughtered Islamically is by itself considered ritually pure (tahir) and it is permissible to use. But the stomach becomes impure by coming into wet contact with other parts of the animal. So, if one is unsure whether or not the najis container of enzyme

.was used in the process of making the cheese, it is permissible to eat it

One should also be aware of other ingredients used in making cheese, some are .۸ vegetable based while others are chemically produced like microbic enzymes. There is no .doubt in the purity as well as permissiblity of using these

If there is doubt in the enzymes used in making cheese whether they were from natural .۹ .sources or chemically produced, then you can consider it halal

As for "Gello", it is used in manufacuring the gelatin. Mostly it is a jellylike substance .۱۰ extracted from animal source. However, you can also obtain the Gello that is made from .vegetable source and seaweeds

As for non-alcoholic carbohydrate drinks like Coke, Pepsi, Seven Up, and Canada Dry, .۱۱ .they do not contain anything from animal or alcoholic sources

Note: In preparing the information in this Appendix, we have primarily relied on the write up of Dr. Ahmad Hasan Sakr of Chicago, USA, which is originally taken from the following :sources

Al-Mawsou's fi Uloom al-Tabi'a, Edward Chalib, Beirut ۱۹۶۵-۶۶ .۱

.Le Guide marabout de la peche en mer Michel van Haver - ۱۹۸۲ - FRANCE .۳

.Les Poissons D'eau Douce Jiri Cihar ۱۹۷۶ – FRANCE .۵

Guide des Poissons D'eau Douce et Peche Bent J. Muvs et Preben Dahistrom ۱۹۸۱ – .۷ .SUISSE

.Encyclopedie Illustree des Poissons Stanislav Frank – PARIS .۹

Encyclopedie du Monde Animal Tome ۴ (Les Poissons et Les reptiles) Maurice Burton. .۱۱ .Bibliotheque Marabout – PARIS

Explanation on Ingredients and Preservatives Used in Food Products

In this Appendix, I am listing some of the ingredients

and components that are usually added to the food. These ingredients come from vegetable soure or animals or are produced chemically. Since the labels on the food products do not list the origin of the ingredients, there is no way of classifying them as .halal or haram, except by referring to the manufacturers

As for the ingredients that shall be listed here, I have tried to ascertain the suitability of their halal use based on the information that I could gather. However, one should know that if an ingredient that is completely absorbed in a food product [and cannot be detected unless we are told by the manufacturer], it is not obligatory in the shari'a to inquire about such ingredients to ascertain that they are free of haram substances. (See (."the chapter on "Food Drink

Acetic Acid: It is found naturally in plant juices; it can also be produced chemically [from .۱ .oil petroleum], and can also be derived from animal tissues

If it is extracted from plant juices or chemicals, there is no problem in using it in food products. But, if it is extracted from animal tissues, the permissibility of using it depends on the animal having been slaughtered Islamically. [If the origin is unknown, one can still [.use it

Adipic Acid: It is from vegetable origin. It can also be produced from chemicals. .۲ .Therefore, there is no problem in using it in food products

Agar Agar: It comes from seaweed. It is used as a .۳

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.substitute for gelatin. Since it comes from vegetable origin, it is halal

Apocarotenal (C۳۰) (E۱۶۰e): It comes from orange. Sometimes it is used to melt gelatine .۴ or lard in water. If gelatine comes from an animal source (other than fish), it is not .possible to use in food products

Carmine / Cochineal (E۱۲۰): It comes from insects and is used in coloring food items. It is .۵ .halal

Casein: Its source is milk; it is used in manufacturing cheese. It is precipitated by acid or .۶ by vegetable or animal enzymes. If vegetable enzymes were used in the precipitation, it is halal; but if animal enzymes were used, then it cannot be considered halal unless the animal was slaughtered Islamically or the process brought about a chemical .transformation in casein

Chocolate Liquor: This is a sweet liquid made from chocolate and used for its aroma. It .۷ is not the intoxicating or alcoholic drink known as "liquor;" and, therefore, there is no .problem in using it

Bextrose (Corn Syrup): Its source is starch and is used as sweetner and colouring agent .۸ .in food products. Since it comes from vegetable source, there is no problem in using it

Carbon Black (E۱۵۳): [It is used for black colouring in confectionery] and is extracted .۹ from bones, meat, wood, and plants. Since it can also be extracted from vegetable source, it is, in most cases, halal. If it is extracted from an animal source, one cannot consider it halal unless he can ascertain that the animal

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.was slaughtered Islamically or that it went through a process of chemical change

Lecithin (E۳۲۲): It is made from egg yolk but on a commercial basis it is made from .۱۰ .soybeans and is therefore halal

Glycerine (E۴۲۲) / Glyverol: Used as a solvent or humectant (maintains the desired level .۱۱ of moisture). It comes from beef fat or petroleum or vegetable. If it comes from chemical or vegetable source, it is halal; but if it comes from animal source, it cannot be halal, unless the animal was slaughtered Islamically or it went through the process of chemical .(transformation (istihalah

Mono and Digylcerides: It comes from animal or vegetable source. If it comes from .۱۲ vegetable source, then it is halal; if it comes from animal source, then it cannot be halal unless the animal was slaughtered Islamically or it went through the process of chemical .transformation

Polyglycerol Easters of Fatty Acids (E۴۷۶): Source: Fats and oils, animal or vegetable .۱۳ source. If they come from vegetable source, they are halal; if they come from animal source, they cannot be halal unless the animal was slaughtered Islamically or the acids .went through the process of chemical change

Monosodium Glutamate (E۶۲۱): Source: Japaness seaweeds, sugar [plants, beets and .۱۴ .corn]. It is used for enhancing flavor. It is halal

Gelatine: Derived from vegetable or animal source. If it is from vegetable source, there .۱۵ is no problem. But if it is from animal that was not slaughtered Islamically, it is halal in view of the late Grand

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Ayatullah as-Sayyid al-Khû'i based on the chemical change (istahalah) that it goes through. As for the view of the Grand Ayatullah as-Sayyid as-Sistani, it is not halal because he believes that in chemical change the original components should be .completely eliminated

Guar Gum: It is used as stabilizer and thickener for spreads, syrup, etc. and is .۱۶ .extracted from plants. It is therefore halal

Lactic Acid: It is made from corn, soybeans, or sugarcane; it can also be made from .۱۷ .chemicals. It is halal

Pectine: It is extracted from fruits and stems of plants. Commercially, it is made from .۱۸ .apples and is used for thickening jellies. It is halal

Pepsin: It comes from enzymes usually extracted from pig stomaches and is obviously .۱۹ .haram, unless it is chemically transformed into another substance

Rennin (Rennet): Comes from animal enzymes usually derived from the membrane of .۲۰ the stomach of suckling calves. It can be made from vegetable enzymes or from a .chemical source. It ishalal

Whey (in all forms): It comes from milk and is used as binder and flavouring agent. It is .۲۱ .halal

List of scale fish

Arabic

French

English

(Scientific name (Latin

سردین

Sardines - Sarda

Sardine

Alosa Sardina

Clupea Sardina

البلشار (نوع يشبه السردين)

Pilchard –célan

Pilchard

نازلی

Colin – Lieu noir

Coal Fish

شبّوط

Carpe

Carp

Cyprinus – Carpio

بوری/ بیّاح (اکثر من مئه نوع)

Muge – Mulet

Mullet

Mugil – Grey

Mulet

Mugil

تُن / تون/ طون

Thon

Tunny – Tuna

Thynnus

Alaionga

تون ابیض/ طون ابیض/ کنعد/ کعند

Thon Blanc

Germon

White Tunny

Fish

Thynnua

Alaionga

سمک سلیمان / سلمون

Saumon

Salmon

Salmo Saiar

تَروته / اُطروط

Truite

Trout

Trutta

سمک موسی

Sole

Sole

Solea

رنكه

Hareng

Herring

Clupea

سمك الفرخ

Perche

Perch

Perca fluvatilis

غادُس / غُدس / غَيدس / موره

Morue – Gede

cod – codfish

Gadus

غادُس أسمر

Cabillaud

Cod

راقود

Platycéphale

Flathead

Platycephalus

قاروس / قَروس

Bar – Loup

Louvine Loubine

Sea Bass

Morone Labrax

لُخ / کَبیت

Loche D'étang

Pond Loach

Cobitis – Fossilis

صَنْدر

Sandre

Pike – Perch

Lucioperca

Lucioperca

سمک البنفسخ

Eperlan

Smelt

osmerus

Eperlanus

عَتوم

Ombre

Graylig

Thymallus

Thymallus

شابل

Alose

Allice Shad

Alosa

حُشْرم/

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حُمرور/ أبو عين

Priacantha

Catalufa Bigeeye

Priacanthus

كمهه

Tanche

Tench

Tinca Tinca

بُنّى / بَربيس

Barbeau Commun

Barbot

Barbel – Barbus

Barbus Barbus

برعان أحمر

Rotengle

Rudd

Scardinius

Eryhophtalmus

قنومه

Bouviére

Bitterling

Rhodeus Amarus

Bloch

سمکه بیضاء

Able de

Stymphale

Rain – Bleak

Leucespius

delineatus

سمکه بیضاء (نوع ثان)

Ablette

Riviére spirlin

Stream – Bleak

Alburnoides

Bipunctatus

سمکه بیضاء (نوع آخر)

Ablette

Bleak

Alburnus

Alburnus

برعان (دانوبی)

Gardon Galant

Danube Roach

Rutilus Pigus

Rasoir

Sabre Carp

Pelecus Cultratus

Zope

Zope

Abramis – Ballerus

ربَاك

Daurade

Gilt – Head

Chrysophrys

سمك التِّرس

Flet

Flounder

Platichthys – Flesus

سمك البَريل

Barbue

Brill

مُطوّقه/ ام حَسْرَد

Aspe

Aspius – Aspius

فرخ غجومی

Grémille

Ruffe – Pope

Acerina Cernua

Nase Commun

Common Nose

Chondrostoma

Nanus

فرخ أسود

Black – Bass

Black – Bass

Micropterus

Salmoidea

فاندوازه

Vandoise

Dase

Squaalius – Leuciscus

قُجاج

Pagre

Porgy

Pagrus

برعان

Gardon Commun

Roach

Rutilus – rutilus

Zahrte

Zaerthe

Abramis Vimba

سمک الارجوان

Ide – Mélanote

Ide

Leuciscus Idus

Idus Idus

فيرون

Vairon

Minnow

Phoxinus

Phoxinus

سمک الطحان

Chevine

Chevenne

Chub

Squalius Cephalus

Leuciscuc

Cephalus

إسقُمرى/ طراخور

Maquereau

Maquerel

Mackerel

Scomber

Scombrus

أبراميس/ براميس

Braine – Bremr

Abramis – Bream

Abramis– Brama

فرّيدى

Pagel – pageau

Pageul

Braise – Braize

Red Porgy

Pagellus

سرغوس

Sargue

Sargo – Sargue

Sargus

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About center

In the name of Allah

هَلْيَسْتَوِيالَّذِينَيَعْلَمُونَوَالَّذِينَلَايَعْلَمُونَ

?Are those who know equal to those who do not know

al-Zumar: ۹

:Introduction

Ghaemiyeh Computer Research Institute of Isfahan, from ۲۰۰۷, under the authority of Ayatollah Haj SayyedHasanFaqihImami (God blesses his soul), by sincere and daily efforts of university and seminary elites and sophisticated groups began its activities in .religious, cultural and scientific fields

:Manifesto

Ghaemiyeh Computer Research Institute of Isfahan in order to facilitate and accelerate the accessibility of researchers to the books and tools of research, in the field of Islamic science, and regarding the multiplicity and dispersion of active centers in this field and numerous and inaccessible sources by a mere scientific intention and far from any kind of social, political, tribal and personal prejudices and currents, based on performing a project in the shape of (management of produced and published works from all Shia centers) tries to provide a rich and free collection of books and research papers for the experts, and helpful contents and discussions for the educated generation and all classes .of people interested in reading, with various formats in the cyberspace

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:Appreciation

We would appreciate the centers, institutes, publications, authors and all honorable .friends who contributed their help and data to us to reach the holy goal we follow

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